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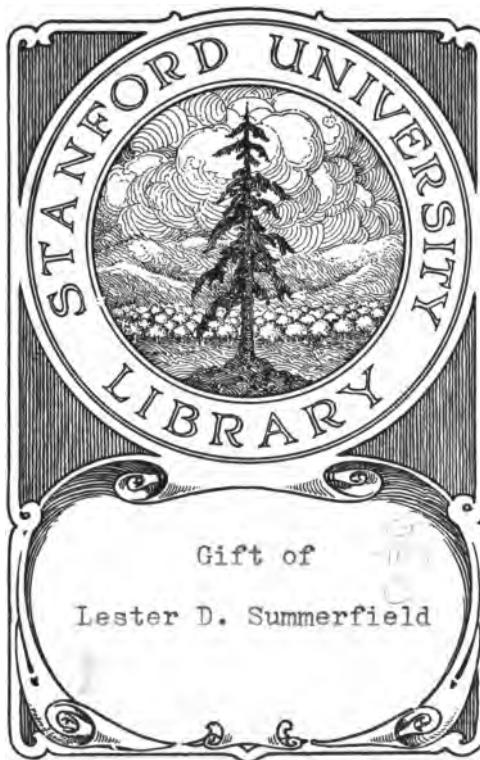
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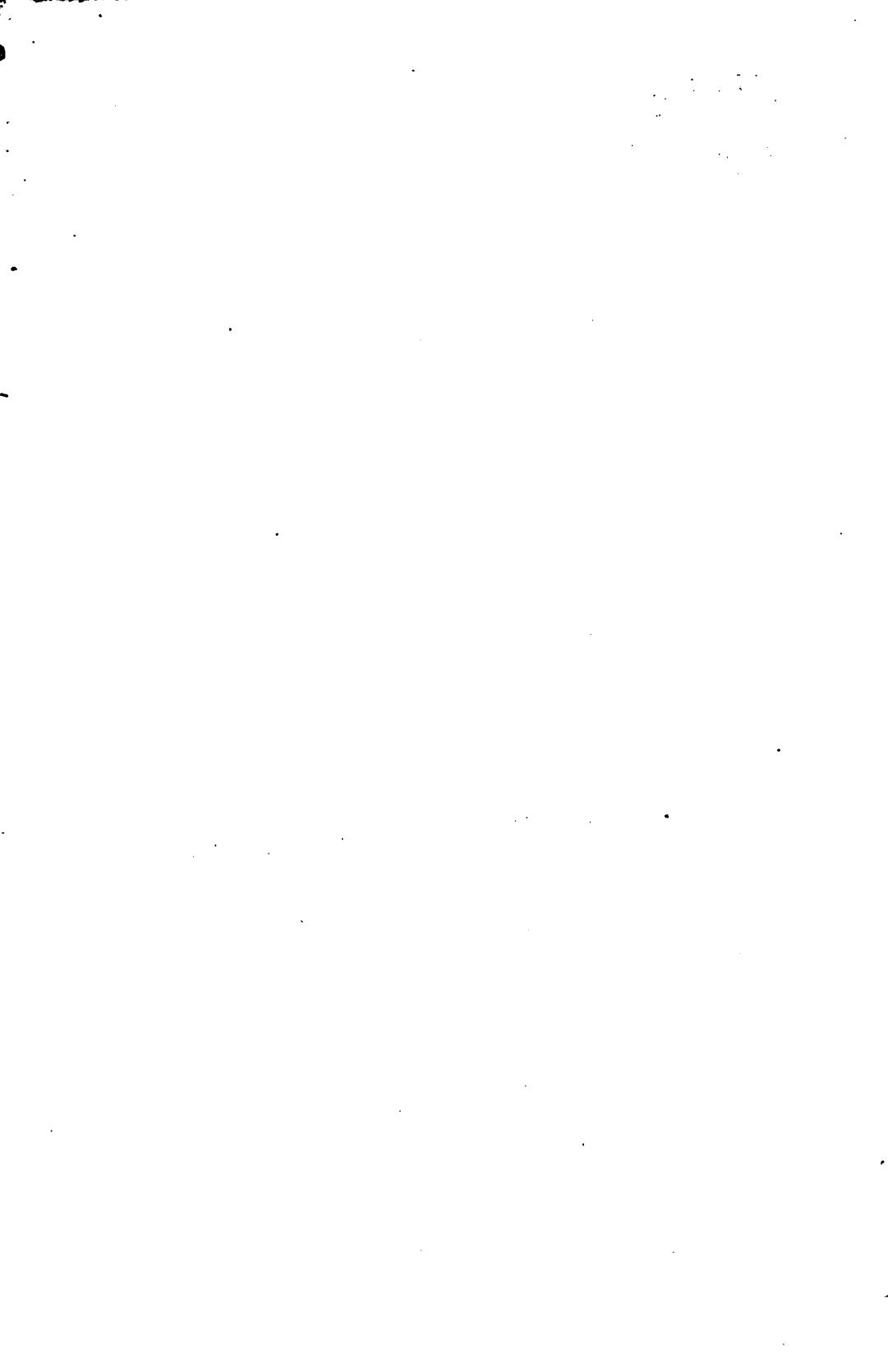
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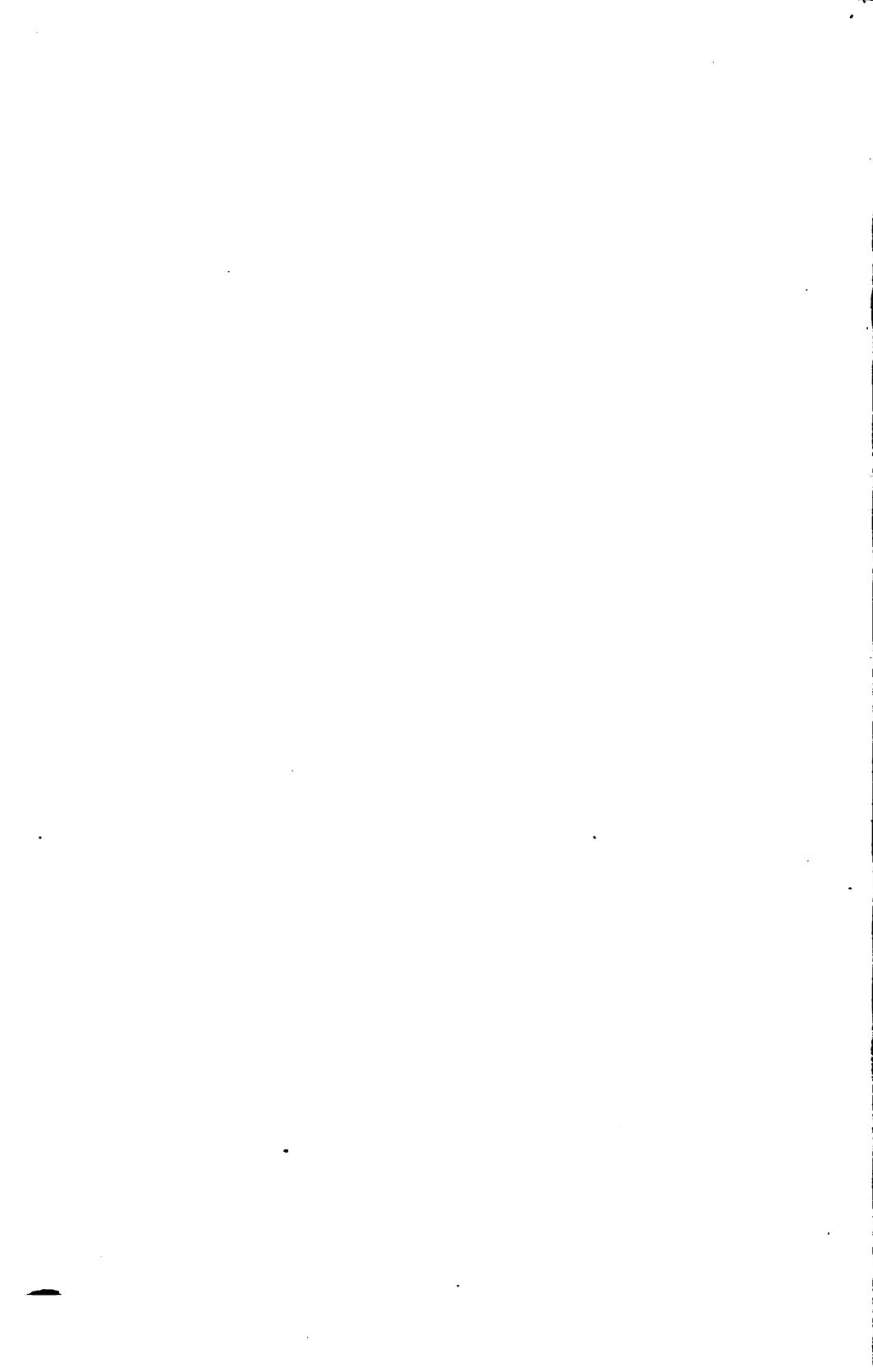
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SUMMERFIELD
HENO, NEVADA







STATUTES OF THE STATE OF NEVADA

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE

1905

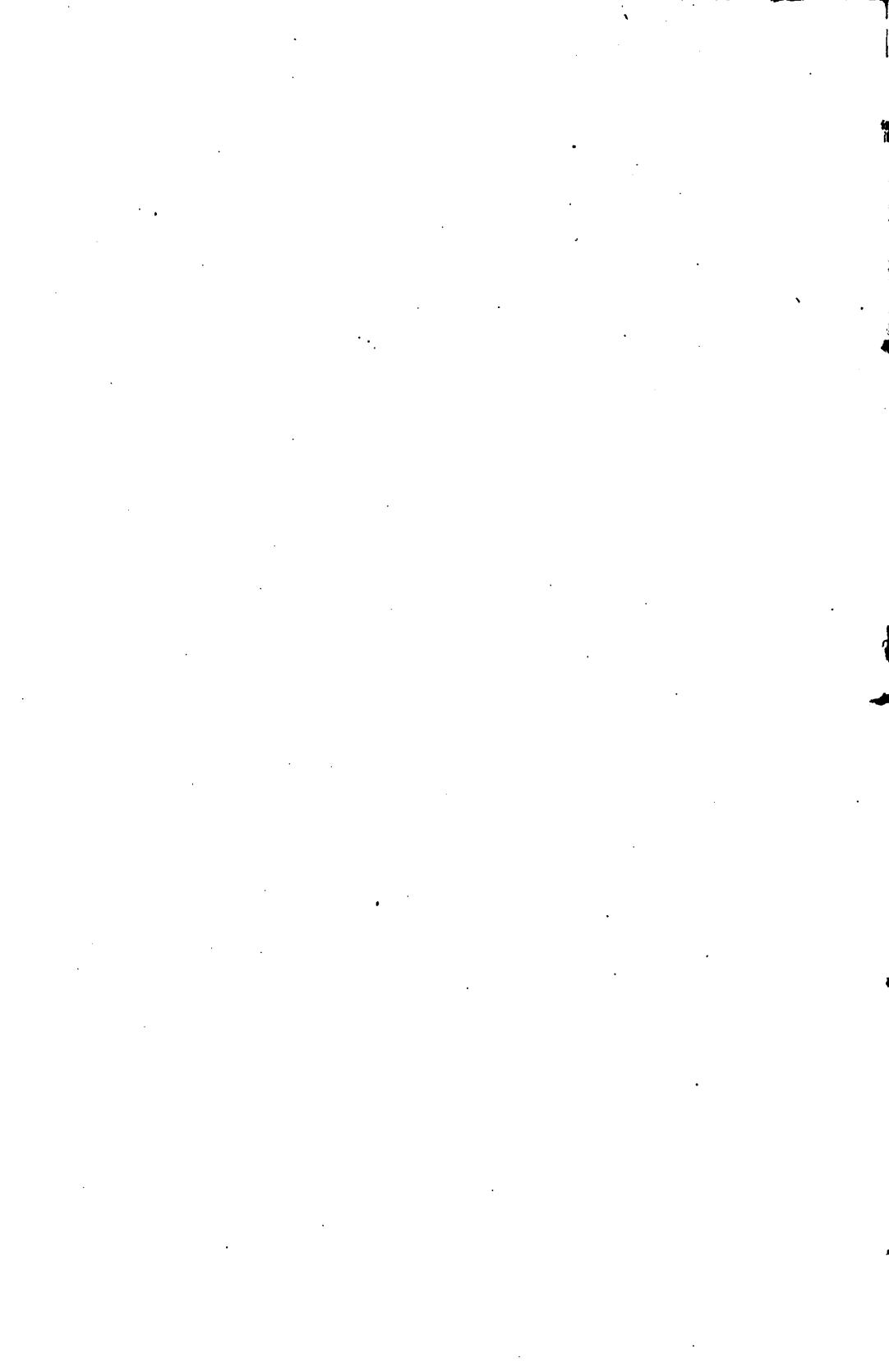
COMMENCED ON MONDAY, THE SIXTEENTH DAY OF JANUARY, AND
ENDED ON TUESDAY, THE FOURTEENTH DAY OF MARCH

(REPUBLICATION—BY ORDER OF STATE BOARD OF EXAMINERS)



CARSON CITY, NEVADA

STATE PRINTING OFFICE, : : : : : ANDREW MAUTE, SUPERINTENDENT
1906



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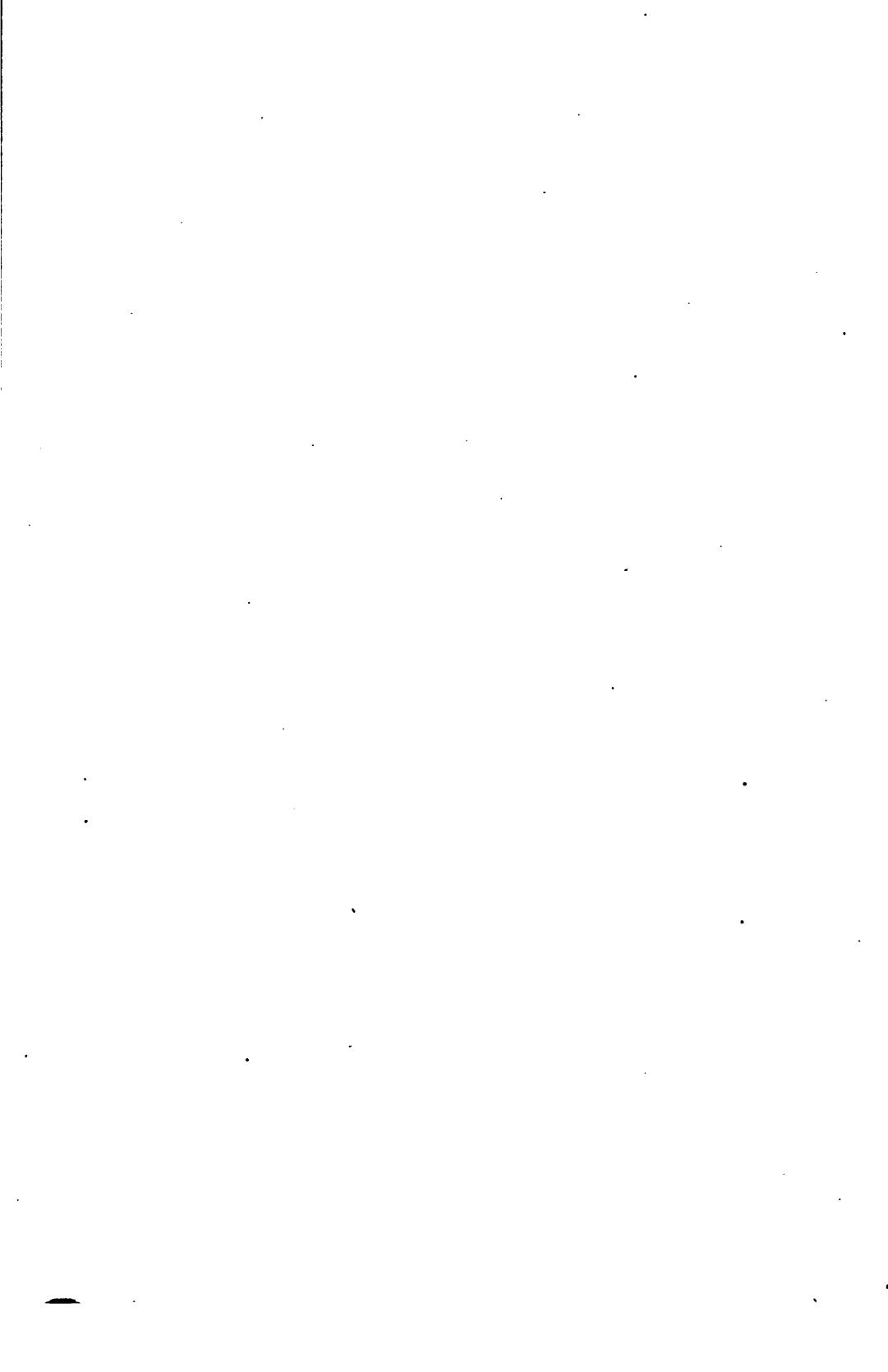
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LIST OF OFFICERS



LIST OF OFFICERS.

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BOARDS AND COMMISSIONS, AT THE TIME
THESE LAWS WERE PASSED.

NATIONAL DEPARTMENT.

Name.	Official Position.	P. O. Address.
Newlands, Francis G.	United States Senator	Reno
Nixon, Geo. S.	United States Senator	Winnemucca
Van Duzer, Clarence D.	Representative in Congress.....	Tonopah

JUDICIAL DEPARTMENT.

Name.	Official Position.	P. O. Address.
Fitzgerald, A. L.	Chief Justice Supreme Court.....	Carson City
Talbot, G. F.	Associate Justice Supreme Court.....	Carson City
Norcross, F. H.	Associate Justice Supreme Court.....	Carson City
Sweeney, James G.	Attorney-General.....	Carson City
Douglass, W. G.	Clerk Supreme Court (ex officio)....	Carson City
Kinney, Wm.	Bailiff Supreme Court.....	Carson City

DISTRICT JUDGES.

Name.	Official Position.	P. O. Address.
Murphy, M. A.	Judge First Judicial District	Carson City
Curlier, B. F.	Judge Second Judicial District.....	Reno
Breen, Peter	Judge Third Judicial District.....	Eureka
Brown, Geo. S.	Judge Fourth Judicial District.....	Elko
Bonnifield, S. J., Jr.	Judge Fifth Judicial District	Winnemucca

LIST OF OFFICERS.

LEGISLATIVE DEPARTMENT, 1905.

SENATE.*

HON. LEMUEL ALLEN, *President*. HON. J. A. MILLER, *President pro tem.*

Name.	County.	P. O. Address.
Williams, W. W. [†]	Churchill	Alpine
Dangberg, H. F., Jr. [†]	Douglas	Gardnerville
Graham, Oscar	Elko	Tuscarora
Hunter, Thomas ^t	Elko	Elko
Thorn, Frank [†]	Esmeralda	Gold Mountain
Raftice, Robert [†]	Eureka	Eureka
Hardin, C. H. E. [†]	Humboldt	Rebel Creek
O'Kane, John	Humboldt	Lovelock
Miller, J. A. [†]	Lander	Austin
Campbell, J. D.	Lincoln	Pioche
Wilson, J. W.	Lyon	Nordike
Oddie, T. L.	Nye	Tonopah
Brougher, W. [†]	Ormsby	Carson City
Lord, F. C. [†]	Storey	Virginia City
Roff, N. W. [†]	Washeoe	Reno
Martin, H. M.	Washeoe	Reno
Gallagher, W. C.	White Pine	Ely

*Senators are elected for four years; Assemblymen for two years. Sessions biennial, and convene on the third Monday of odd-numbered years—January 16, 1905. Duration of session, with pay at \$8 per diem, not to exceed fifty days, or \$400. Sessions can be extended to sixty days under the Constitution: but last ten days without pay.

Mileage thirty cents per mile coming from destination (one way).

[†]Hold-over Senators from last session.

SENATE OFFICERS AND ATTACHÉS.

Name.	Official Position.	P. O. Address.
Allen, Lem	President	Carson City
Miller, J. A.	President pro tem.	Austin
Darneille, Rev. B. J.	Chaplain	Carson City
Gartland, Rev. Father	Chaplain	Carson City
Lloyd, Rev. F. W.	Chaplain	Carson City
McCreery, Rev. H. H.	Chaplain	Carson City
McIntosh, C. H.	Secretary	Lovelock
George, E. T.	Assistant Secretary	Battle Mountain
Robb, John P.	Sergeant-at-Arms	Reno
Triplett, Phil S.	Minute Clerk	Wells
Ryan, Elizabeth H.	Journal Clerk	Virginia City
Swick, Kate	Engrossing Clerk	Eureka
Morgan, Lizzie	Enrolling Clerk	Golconda
Keith, Mattie J.	Copying Clerk	Elko
Cahalan, James A.	Committee Clerk	Virginia City
Harris, H.	Assistant Committee Clerk	Carson City
James, Ruel O.	Messenger	Carson City
Berning, August	Porter	Carson City
Stone, Roy T.	Page	Carson City

LIST OF OFFICERS.

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ASSEMBLY.

HON. SAMUEL PLATT, *Speaker*. HON. E. R. DODGE, *Speaker pro tem.*

Name.	County.	P. O. Address.
Smaill, Leslie	Churchill	Fallon
Jacobsen, M.	Douglas	Gardnerville
Henderson, Chas. B.	Elko	Elko
Coryell, H. H.	Elko	Wells
McMahan, E. L.	Elko	Tuscarora
McBride, J. A.	Elko	Elko
Ingalls, W. A.	Esmeralda	Hawthorne
Belzar, F. B.	Esmeralda	Hawthorne
Brossemer, Frank J.	Eureka	Eureka
Sadler, Edgar	Eureka	Eureka
Staunton, M. D.	Humboldt	Winnemucca
Anker, Peter	Humboldt	Lovelock
Smith, C. G.	Humboldt	Golconda
Triplett, F. H.	Lander	Austin
Woolcock, F. E.	Lander	Battle Mountain
Williams, Frank	Lincoln	Good Springs
Clark, J. A.	Lincoln	Pioche
Shier, Edgar J.	Lincoln	Delamar
Regan, Frank A.	Lyon	Mound House
Gifford, Alfred	Lyon	Yerington
Cole, Geo. A.	Nye	Tonopah
Cushing, James G.	Nye	Tonopah
McCann, Barney C.	Ormsby	Belmont
Platt, Samuel	Ormsby	Carson City
Vogt, Jas. H.	Ormsby	Carson City
Patterson, E. O.	Ormsby	Carson City
Blake, E. D.	Storey	Virginia City
McCourt, J. H.	Storey	Virginia City
Spindel, Stephen	Storey	Virginia City
Craze, Fred	Storey	Gold Hill
Hastings, Walter	Washoe	Reno
Holmes, A. W.	Washoe	Reno
Dodge, E. R.	Washoe	Reno
Kinney, R. H.	Washoe	Reno
Jones, T. J.	Washoe	Reno
Wright, J. W.	Washoe	Reno
Orr, J. S.	Washoe	Reno
Clark, F. M.	White Pine	Ely
Moorman, W. O.	White Pine	Hamilton

ASSEMBLY OFFICERS AND ATTACHÉS.

Platt, Samuel	Speaker	Carson City
Dodge, E. R.	Speaker pro tem.	Reno
Darnelle, Rev. B. J.	Chaplain	Carson City
Gartland, Rev. Father	Chaplain	Carson City
Lloyd, Rev. F. W.	Chaplain	Carson City
McCreery, Rev. H. H.	Chaplain	Carson City
Freudenthal, H. E.	Chief Clerk	Pioche
Green, L. A. L.	Assistant Chief Clerk	Fletcher
Phillips, W. D.	Sergeant-at-Arms	Reno
Broy, D. M.	Minute Clerk	Eureka
Wise, A.	Journal Clerk	Battle Mountain
Sheehan, Dora	Engrossing Clerk	Golconda
Campbell, May	Enrolling Clerk	Ely
Clark, Hattie	Copying Clerk	Elko
Wallace, A. E.	Committee Clerk	Genoa
Ray, Mrs. Edith	Assistant Committee Clerk	Virginia City
Thyes, Wilson	Messenger	Reno
Berryman, Thomas	Porter	Carson City
Daves, C. L.	Page	Carson City

LIST OF OFFICERS.

EXECUTIVE DEPARTMENT.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Davis, W. R.....	Private Secretary to Governor.....	Carson City
Allen, Lemuel	Lieutenant-Governor.....	Carson City
Douglass, W. G.	Secretary of State.....	Carson City
Legate, J. W.	Deputy Secretary of State.....	Carson City
Davis, Sam P.	State Controller.....	Carson City
Doane, Jonathan....	Deputy State Controller.....	Carson City
Ryan, D. M.	State Treasurer.....	Carson City
Wildes, Frank L.	Deputy State Treasurer.....	Carson City
Kelley, E. D.	Surveyor-General and State Land Register	Carson City
Day, S. H.	Deputy Surveyor-General and State Land Register	Carson City
Sweeney, J. G.	Attorney-General	Carson City
Maute, Andrew.....	Superintendent of State Printing	Carson City
Ring, Orvis.....	Superintendent of Public Instruction.....	Carson City
Douglass, W. G.	State Librarian (ex officio).....	Carson City
Booher, W. W.	Regent State University (Hold-over).....	Elko
Smith, O. J.	Regent State University (Long Term).....	Reno
Starrett, H. S.	Regent State University (Short Term).....	Battle Mountain
Taylor, Geo. H.	Secretary Board of Regents.....	Reno

BOARD OF PARDONS.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Fitzgerald, A. L.	Chief Justice Supreme Court	Carson City
Talbot, G. F.	Associate Justice Supreme Court	Carson City
Norcross, F. H.	Associate Justice Supreme Court	Carson City
Sweeney, James G.	Attorney-General	Carson City
Davis, W. R.	Clerk of Board	Carson City

STATE INSTITUTIONS.

STATE PRINTING OFFICE.

Name.	Official Position.	P. O. Address.
Maute, Andrew.....	Superintendent of State Printing	Carson City
Mackey, Will U.	Foreman	Carson City

STATE PRISON.

Name.	Official Position.	P. O. Address.
Considine, J. L.	Warden	Carson City
Quinian, J. J.	Captain of the Guard	Carson City

LIST OF OFFICERS.

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NEVADA HOSPITAL FOR MENTAL DISEASES.

Name.	Official Position.	P. O. Address.
Gibson, S. C.	Superintendent	Reno
Driscoll, J. G.	Supervisor.....	Reno

STATE UNIVERSITY.

Name.	Official Position.	P. O. Address.
Stubbs, Jos. E.	President of University.....	Reno
Ayres, Irvin W.	Librarian of University.....	Reno
Thurtell, Henry	Dean and Professor of Mathematics and Mechanics.....	Reno
Adams, R.	Professor of Pedagogics, Education and Sociology.....	Reno
Lewers, R.	Registrar and Professor of Logic.....	Reno
True, G. H.	Professor of Agriculture and Animal Husbandry.....	Reno
Wilson, N. E.	Professor of Chemistry and Dairying.....	Reno
Cowgill, T. W.	Emeritus Professor of English Language and Literature.....	Reno
Brown, R.	Superintendent of Buildings and Grounds.....	Reno
Church, J. E., Jr.	Professor of Latin Language and Literature.....	Reno
Young, G. J.	Professor of Mining and Metallurgy.....	Reno
de Laguna, Laura	Professor of Modern Languages.....	Reno
Wier, J. E.	Assistant Professor of History.....	Reno
Cushman, L. W.	Professor of English Language and Literature.....	Reno
Blessing, G. F.	Professor of Mechanical Engineering and Drawing.....	Reno
Reid, J. A.	Acting Professor of Physics, Geology and Mineralogy.....	Reno
Etcheverry, B.	Professor of Civil Engineering and Physics.....	Reno
Kennedy, P. B.	Professor of Botany and Horticulture.....	Reno
Frandsen, Peter	Professor of Zoölogy and Bacteriology.....	Reno
Doten, S. B.	Assistant Professor of Latin and Mathematics.....	Reno
Bardenwerper, Kate	Instructor in Domestic Art and Science.....	Reno
Scrugham, J. G.	Instructor in Hygiene and Physical Training.....	Reno
Short, F. E.	Assistant Professor of Mechanical Engineering and Drawing.....	Reno
Layton, Mrs. Alice L.	Assistant Professor of Education, Instructor in Modern Languages and History, and Mistress of Girls' Cottage.....	Reno
Beckwith, Carolyn	Instructor in Vocal Music.....	Reno
Wheeler, Mildred M.	Office Secretary.....	Reno
Fitzmaurice, Chas. R.	Instructor in German and Mathematics.....	Reno
	Assistant in Chemical Laboratory	Reno

STATE ORPHANS' HOME.

Name.	Official Position.	P. O. Address.
Josephs, Joe	Superintendent	Carson City
Josephs, Mrs.	Matron	Carson City
Sullivan, Miss Jo	Teacher	Carson City

LIST OF OFFICERS.

BOARDS AND COMMISSIONS.

STATE BOARD OF EXAMINERS.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Douglass, W. G.....	Secretary of State.....	Carson City
Sweeney, J. G.....	Attorney-General.....	Carson City
Legate, J. W.....	Clerk of the Board.....	Carson City

BOARD OF STATE PRISON COMMISSIONERS.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Douglass, W. G.....	Secretary of State.....	Carson City
Sweeney, J. G.....	Attorney-General.....	Carson City
Legate, J. W.....	Clerk of the Board.....	Carson City

STATE UNIVERSITY REGENTS.

Name.	Official Position.	P. O. Address.
Booher, W. W.....	Regent (Hold-over)	Elko
Smith, O. J.....	Regent (Long Term).....	Reno
Starrett, H. S.....	Regent (Short Term)	Battle Mountain

STATE PRINTING COMMISSIONERS.

Name.	Official Position.	P. O. Address.
Douglass, W. G.....	Secretary of State	Carson City
Davis, Sam P.....	State Controller.....	Carson City
Ryan, D. M.....	State Treasurer.....	Carson City
Doane, Jonathan.....	Clerk of the Board.....	Carson City

STATE BOARD OF EDUCATION.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Stubbs, Jos. E., M.A., D.D.....	President State University	Reno
Ring, Orvis	Superintendent of Public Instruction.....	Carson City

LIST OF OFFICERS.

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STATE CAPITOL COMMISSIONERS.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Allen, Lemuel.....	Lieutenant-Governor	Carson City
Douglass, W. G.....	Secretary of State.....	Carson City
Davis, Sam P.....	State Controller.....	Carson City
Ryan, D. M.....	State Treasurer.....	Carson City
Davis, W. R.....	Clerk	Carson City

STATE ORPHANS' HOME DIRECTORS.

Name.	Official Position.	P. O. Address.
Ryan, D. M.....	State Treasurer	Carson City
Kelley, E. D.....	Surveyor-General	Carson City
Ring, Orvis.....	Superintendent of Public Instruction.....	Carson City

COMMISSIONERS FOR CARE OF INDIGENT INSANE.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor	Carson City
Davis, Sam P.....	State Controller.....	Carson City
Ryan, D. M.....	State Treasurer	Carson City
Wildes, F. L.....	Clerk	Carson City

STATE BOARD OF HEALTH.

Name.	Official Position.	Term Expires.	P. O. Address.
Lee, S. L.....	Commissioner.....	May 25, 1903.....	Carson City
Samuels, W. L.....	Commissioner.....	May 25, 1903.....	Winnemucca
Gibson, S. C.....	Commissioner.....	May 25, 1903.....	Reno

STATE BOARD OF DENTAL EXAMINERS.

Name.	Official Position.	Term Expires.	P. O. Address.
Cavell, W. H.....	Commissioner.....	May 24, 1903.....	Carson City
Chandler, A. P.....	Commissioner.....	May 24, 1903.....	Reno
Chapman, S.....	Commissioner.....	May 24, 1903.....	Virginia City
Coffin, Chas. S.....	Commissioner.....	May 24, 1903.....	Reno
Hennessy, J. C.....	Commissioner.....	May 24, 1903.....	Reno

LIST OF OFFICERS.

STATE BOARD OF MEDICAL EXAMINERS.

Name	Official Position.	Term Expires.	P. O. Address.
Lee, S. L.....	Commissioner.....	May 25, 1903.....	Carson City.....
Samuels, W. L.....	Commissioner.....	May 25, 1903.....	Winnemucca.....
Gibson, S. C.....	Commissioner.....	May 25, 1903.....	Reno.....

STATE BOARD OF IRRIGATION.

Name.	Official Position.	P. O. Address.
Sparks, John.....	Governor (Chairman).....	Carson City.....
Kelley, E. D.....	Surveyor-General.....	Carson City.....
Ring, Orvis.....	Superintendent of Public Instruction.....	Carson City.....

STATE BUREAU OF IMMIGRATION.

Name.	Official Position.	P. O. Address.
Davis, Sam P.....	State Controller.....	Carson City.....
Kelley, E. D.....	Surveyor-General.....	Carson City.....
Ring, Orvis.....	Superintendent of Public Instruction.....	Carson City.....

STATE BOARD OF AGRICULTURE.

Name.	Official Position.	Term Expires.	P. O. Address.
Allen, Lem.....	Director.....	February 1, 1905.....	St. Clair.....
Flanigan, P. L.....	Director.....	February 1, 1905.....	Reno.....
Brealey, J. H.....	Director.....	February 1, 1905.....	Reno.....
Triplett, P. S.....	Director.....	February 1, 1907.....	Elko.....
Shane, Adolph.....	Director.....	February 1, 1907.....	Reno.....
Winters, Theo.....	Director.....	February 1, 1907.....	Reno.....
Kinney, R. H.....	Director.....	February 1, 1907.....	Reno.....
Bevier, Louis.....	Director.....	February 1, 1907.....	Reno.....
Westerfield, W. J.....	Director.....	February 1, 1908.....	Reno.....
Kirman, Richard.....	Director.....	February 1, 1908.....	Reno.....
Dalton, Peter.....	Director.....	February 1, 1908.....	Reno.....
Marzen, Jos.....	Director.....	February 1, 1908.....	Lovelock.....

LIST OF OFFICERS.

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MILITARY AUDITORS.

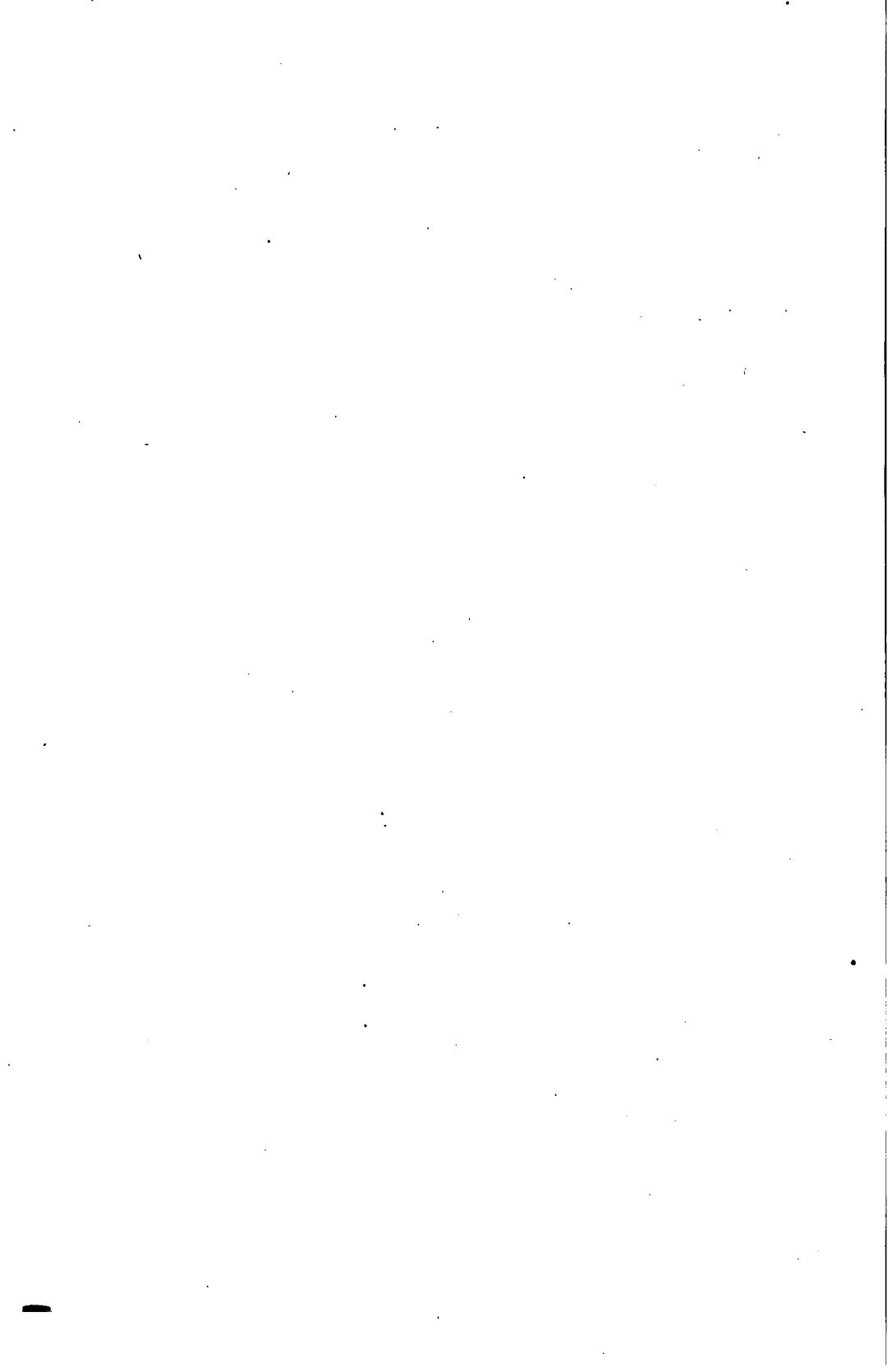
Name.	Official Position.	P. O. Address.
Sparks, John	Governor	Carson City
Davis, Sam P.	State Controller.....	Carson City
Allen, Lemuel.....	Adjutant-General	Carson City

HONORARY BOARD OF VISITORS OF STATE UNIVERSITY.

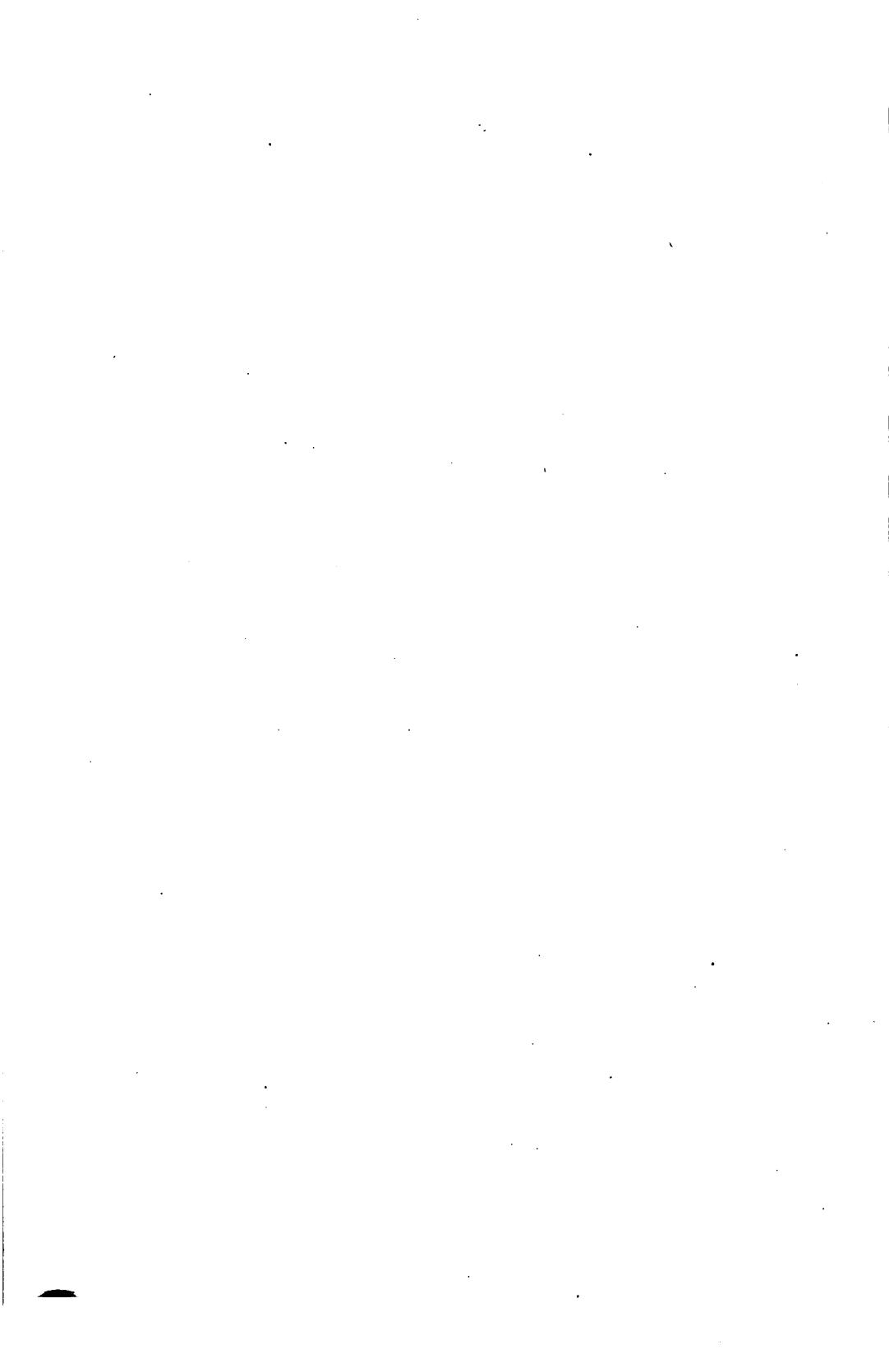
Name.	Official Position.	P. O. Address.
Fitzgerald, A. L.	Chairman	Carson City
Freeman, J. W.	Member	Stillwater
Virgin, D. W.	Member	Genoa
Farrington, E. S.	Member	Elko
Henley, E. J.	Member	Hawthorne
Reinhart, Moses.	Member	Winnemucca
Gayhart, W. C.	Member	Austin
Thompson, A. S.	Member	Pioche
Gignoux, J. E.	Member	Dayton
Maute, Andrew.	Member	Carson City
Averill, M. R.	Member	Virginia City
Hilp, Sol.	Member	Ely
Smith, Bert L.	Member	Eureka
Cox, W. L.	Member	Reno

MISCELLANEOUS.

Name.	Official Position.	P. O. Address.
Allen, Lemuel.....	Adjutant-General (ex officio)	Carson City
O'Connor, Miss Katie	State Library Clerk	Carson City
Deady, Chas. L.	Draughtsman, Land Office	Carson City
Roberts, Miss Jo.	Stenographer, Land Office	Carson City
Barkley, Miss Dell	Stenographer for Secretary of State	Carson City
Sweeney, Miss Margaret	Stenographer for Attorney-General.....	Carson City
Davis, Miss L. S.	Stenographer for State Controller.....	Carson City
Williams, Roy T.	Stenographer for Superintendent of Public Instruction.	Carson City



LAWs OF THE STATE OF NEVADA



LAWS OF THE STATE OF NEVADA

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE
1905

CHAPTER I.—*An Act to create a Legislative Fund.*

[Approved January 19, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of paying the mileage and per diem of members of the present Legislature, the salaries of the attachés and the incidental expenses of the respective houses thereof, the State Treasurer is hereby authorized and required to set apart from any moneys now in the General Fund, not otherwise specially appropriated, the sum of forty thousand (\$40,000) dollars, which shall constitute the Legislative Fund.

State
Treasurer
required to
set apart
money.

SEC. 2. The State Controller is hereby authorized, and required to draw his warrant on said fund, in favor of the members and attachés of the Senate and Assembly, for per diem, mileage, stationery allowances, compensation and incidental expenses of the respective houses, when properly certified to him, in accordance with law, and the State Treasurer is hereby authorized and required to pay the same.

Controller
authorized
to draw
warrant.

SEC. 3. All moneys remaining in said fund, at the adjournment of the Legislature, shall revert to the General Fund.

CHAP. II.—*An Act to provide for copying the Journal of the Senate for the Twenty-second Session.*

[Approved January 20, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and fifty (\$150) dollars is hereby appropriated out of the Legislative Fund to be paid to Miss Alice A. Hannan for copying the Journal of the Senate.

Appropria-
tion for
copying
Senate
Journal.

Senate for the Twenty-second Session of the Nevada State Legislature for the State Printer.

SEC. 2. Upon a receipt of a certificate from the Hon. W. G. Douglass, Secretary of State, that the Journal of the Senate for the Twenty-second Session of the Nevada State Legislature has been correctly copied and delivered to the Secretary of State, the Controller shall draw his warrant in favor of the said Miss Alice A. Hannan, named in section one of this Act, for the said sum of one hundred and fifty dollars, and the State Treasurer shall pay the same.

CHAP. III.—An Act appropriating two hundred dollars for the watering and care of the Grand Army Cemetery at Carson City, Nevada.

[Approved January 30, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation for care of G. A. R. Cemetery.

Board of Examiners to allow claim upon proper proof.

Duties of Controller and Treasurer.

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any moneys in the General Fund, not otherwise appropriated, for the purpose of watering and caring for the Grand Army Cemetery at Carson City, Nevada.

SEC. 2. Annually on the first Monday in September, 1905 and 1906, the State Board of Examiners shall audit and allow the Post Quartermaster of the Grand Army at Carson City, Nevada, the sum of one hundred dollars, upon the filing with said Board of Examiners, by the said Post Quartermaster, of the claim and a sworn statement that the amount had been expended as provided in Section 1 of this Act.

SEC. 3. The State Controller is hereby authorized and required to draw his warrants in favor of said Post Quartermaster for the sums named in this Act, and the State Treasurer is hereby required and authorized to pay the same.

CHAP. IV.—An Act to remove the county seat of Nye County, from the Town of Belmont to the Town of Tonopah.

[Approved February 6, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Date of removal.

County officers to remove offices.

SECTION 1. From and after the first day of May, in the year of our Lord, one thousand nine hundred and five, the county seat of Nye county shall be located at the Town of Tonopah, in said county.

SEC. 2. It shall be the duty of the officers of said county, who are required by law to keep their offices at the county seat, to remove the same to the said Town of Tonopah one

week preceding the first day of May in the year of our Lord one thousand nine hundred and five.

SEC. 3. The County Commissioners of Nye County shall provide for the removal of the archives and all other movable property belonging to said county, and now located at the Town of Belmont, to the said Town of Tonopah, and shall have power to sell and convey any real or immovable property situated in the Town of Belmont, belonging to said Nye County, and shall pay the proceeds of such sales into the county treasury of said county.

SEC. 4. It shall be lawful for the Board of County Commissioners of said Nye County, and it is hereby made their duty, to provide for the use of the various officers such buildings, rooms or offices as are required by law.

Duties of
County Com-
missioners.

Commis-
sioners to
provide
offices.

CHAP. V.—An Act to authorize the Attorney-General to employ a stenographic clerk and fixing of compensation.

[Approved February 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Attorney-General of Nevada is hereby authorized to employ a stenographic clerk, whose compensation shall be seventy-five dollars per month.

SEC. 2. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasury in favor of such clerk for the amount of his compensation then due, and the State Treasurer shall pay the same out of any moneys in the State Treasury not otherwise specially appropriated.

SEC. 3. This Act shall take effect immediately.

Compensa-
tion of
clerk.

Duties of
Controller
and
Treasurer.

CHAP. VI.—An Act to amend an Act entitled "An Act fixing and regulating the salaries of certain officers of Washoe County, Nevada, and the compensation of their deputies," approved March 19, 1901.

[Approved February 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the original Act is hereby amended so as to read as follows:

Section three. From and after the passage of this Act the County Recorder shall be allowed one deputy, who shall receive a salary not to exceed the sum of nine hundred dollars per annum. He shall also be allowed one copyist, or assistant, who shall receive a salary not to exceed the sum of

Washoe
County
Recorder
allowed
assistants.

six hundred dollars per annum. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. VII.—An Act to authorize the payment by the State of Nevada to Alfred Chartz, James R. Judge and Estate of Trenmor Coffin, deceased, for legal services under an express contract.

[Approved February 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation to pay claims of Chartz, Judge, and Coffin.

SECTION 1. The sum of two thousand, two hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying Alfred Chartz, James R. Judge, and to Marie Louise Coffin, as administratrix of the estate of Trenmor Coffin, deceased, for said estate, each, the sum of seven hundred and fifty dollars, for legal services rendered under an express contract with the State Board of Revenue, to assist the Attorney-General of the State of Nevada in defending that certain action brought by the Central Pacific Railway Company against A. A. Evans, *et al.*, composing the then State Board of Assessors of the State of Nevada, commenced in June, 1901, in the United States Circuit Court, Ninth Circuit, District of Nevada, in which said action judgment of dismissal was thereafter rendered and entered in said Court.

Duties of State Controller and Treasurer.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of said Alfred Chartz, James R. Judge and Marie Louise Coffin, as administratrix of the estate of Trenmor Coffin, deceased, each, for the sum of seven hundred and fifty dollars, and the State Treasurer is hereby directed to pay said warrants.

CHAP. VIII.—An Act to authorize the School Trustees of School District Number One (1) in the City of Carson, County of Ormsby, Nevada, to sell certain school property within their district, and to purchase real estate to be used for school buildings, and to issue bonds for school purposes, and matters relating thereto.

[Approved February 13, 1905.]

Preamble.

WHEREAS, The proposition of bonding Carson School District Number One (1) in Ormsby County, Nevada, in the sum of thirty-five thousand dollars (\$35,000) for school purposes was on the 23d day of May, 1904, duly submitted to the qualified electors of said district; and

WHEREAS, The vote thereon was in the affirmative at the ratio of more than three (3) to one (1); therefore

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of School District Number One (1) in the City of Carson, Ormsby County, Nevada, are hereby authorized and empowered to issue bonds on the faith and credit of said district for a sum not exceeding thirty-five thousand dollars (\$35,000) in gold coin of the United States, none of which bonds shall run for a period longer than twenty-five years from the date thereof.

SEC. 2. Said bonds shall be issued for amounts of one hundred dollars and five hundred dollars in manner and form, as follows: There shall be issued fifty bonds in the amount of one hundred (100) dollars each, in gold coin, to be known and designated as "Series One of Carson City School Bond Issue, 1905." Said designation to appear in large conspicuous type upon the face of each bond of the series. Said bonds to be sold at not less than the par [value] thereof and to bear interest at a rate not to exceed five per cent per annum, payable annually. They shall be payable to bearer and coupons calling for each installment of interest shall be attached to each bond. They shall be numbered consecutively from one (1) to fifty (50), and bonds numbered one (1), two (2), three (3), four (4), and five shall be redeemable on the 31st day of December, 1906; six (6), seven (7), eight (8), nine (9), and ten (10), on the 31st day of December, 1907; eleven (11), twelve (12), thirteen (13), fourteen (14), and fifteen (15), on the 31st day of December, 1908; sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty (20), on the 31st day of December, 1909; twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), and twenty-five (25), on the 31st day of December, 1910, and annually thereafter on the same date five bonds in consecutive order shall be redeemed until all of said bonds, with the interest thereon, shall have been fully paid.

SEC. 3. There shall be issued sixty (60) bonds for amounts of five hundred dollars each, in gold coin, to be known and designated as "Series Two (2) of Carson City School Bond Issue, 1905," said designation to appear in large conspicuous type upon the face of each bond. Said bonds to be sold at not less than the par thereof and to bear interest at a rate not to exceed five per cent per annum, payable annually. They shall be payable to bearer and coupons calling for each installment of interest shall be attached to each bond. They shall be numbered consecutively from one (1) to sixty (60), and bond numbered one (1) shall be redeemable on the 31st day of December, 1906; bond numbered two (2) on the 31st day of December, 1907; bond numbered three (3) on the 31st day of December, 1908; bond numbered four (4) on the 31st day of December, 1909; bond numbered five (5) on the 31st day of December, 1910. Bonds numbered six (6) and seven

Mode of redemption. (7) shall be redeemable on the 31st day of December, 1911; bonds numbered eight (8) and nine (9) on the 31st day of December, 1912; bonds numbered ten (10) and eleven (11) on the 31st day of December, 1913; bonds numbered twelve (12) and thirteen (13) on the 31st day of December, 1914; bonds numbered fourteen (14) and fifteen (15) on the 31st day of December, 1915; and bonds numbered sixteen (16), seventeen (17) and eighteen (18) shall be redeemable on the 31st day of December, 1916; and annually thereafter, on the same date, three (3) bonds of this series, in consecutive order, shall be redeemed until all of said bonds, with the interest thereon, shall have been fully paid.

SEC. 4. The bonds and coupons herein provided for shall To be signed. be signed by the Chairman and Clerk of the said Board of Trustees, and they shall be countersigned by the County Treasurer of Ormsby County.

School District No. 1 Building Fund. SEC. 5. All moneys received from the sale of the bonds herein provided for shall be paid into the county treasury, and the County Treasurer of Ormsby County is hereby required to receive and safely keep the same in a fund to be known as "School District Number One (1) Building Fund," and to pay out of the said money only on warrants duly signed by the said Board of Trustees and approved by the County Superintendent of Schools of Ormsby County. The County Treasurer shall be liable on his official bond for the safe keeping of said moneys which shall come into his hands, under the provisions of this Act, and for the faithful discharge of the duties in relation thereto.

Payment of interest. SEC. 6. For the purpose of providing for the payment of the interest on said bonds, the Board of County Commissioners of Ormsby County are hereby directed and authorized, and shall at the time of the annual levy for taxes of said State and county purposes for the year 1906, and annually thereafter, levy upon the property of said district such a tax as will be required to produce the amount of money necessary to pay the interest annually upon the bonds herein provided for. The taxes so levied shall be assessed and collected in the same manner as the assessment of other taxes. They shall be paid into the county treasury and kept by the Treasurer in a fund to be known as "School District Number One (1) Interest and Redemption Fund," and the money in said fund shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same become due, upon presentation and surrender of the coupons therefor.

School District No. 1 Interest and Redemption Fund. **Payment of principal.** SEC. 7. To provide for the payment of the principal of the bonds herein authorized to be issued, the said Board of County Commissioners shall in the year 1906, and annually thereafter, to and including the year 1930, at the time of levying taxes for State and county purposes (and in the same manner), levy a special and additional tax upon all the

property situated within said School District No. 1, sufficient to raise and provide the sum of one thousand dollars (\$1,000) each year, up to and including the year 1910; and sufficient to raise and provide the sum of fifteen hundred dollars (\$1,500) each year thereafter, up to and including the year 1930. Said property shall be assessed and said taxes collected the same as other taxes, and shall be paid to the County Treasurer and by him assigned to the said "School District No. 1 Interest and Redemption Fund." At the maturity of the said bonds they shall be paid by the County Treasurer out of the said fund, upon the presentation and surrender of said bonds. No interest shall be paid on said bonds after maturity.

SEC. 8. If the tax levied as aforesaid for the redemption of said bonds shall exceed the sum of one thousand dollars a year, up to and including the year 1910, or the sum of fifteen hundred dollars a year each year thereafter, up to and including the year 1930, then whenever the aggregate amount of money collected for the respective periods and amounts as aforesaid shall equal the full sum necessary for the redemption of all of said bonds, the tax hereby authorized for such purpose shall cease; and should there be any excess over and above the amount required to redeem all of said bonds, the same shall be transferred to the School Fund of said District Number 1.

SEC. 9. The said Board of Trustees of School District Number 1 are hereby authorized and empowered to purchase a tract of land centrally located within the City of Carson, suitable for a school site and to proceed to build thereon a school building or school buildings, with necessary out-houses and appurtenances. And they are further authorized and empowered to sell at public auction for cash to the highest bidder (after ten days' notice by publication of said sale) any or all of the real estate belonging to said School District, with or without the improvements thereon, which they or a majority thereof may deem for the best interests of the district should be sold. The proceeds of such sale or sales shall be applied to the purchase of a suitable site for the school buildings herein provided or to the purchase of furniture and school supplies for the equipment of said building or buildings; and any provisions of the general school law in conflict with the provisions of this section are hereby suspended in so far as they conflict with the provisions of this Act; *provided*, that all sales and all purchases of property as provided for in this Act, shall be subject to the approval of a board of three (3) citizens and taxpayers of the said School District, to be duly appointed for this purpose by the District Judge of the District Court of the First Judicial District of the State of Nevada, and the said District Judge is hereby authorized to appoint such board. No sale or purchase

Payment of
principal.

Disposition
of surplus
taxes.

Trustees
authorized
to sell and
purchase
realty, etc.

Proviso.

District
Judge
authorized
to appoint
board of
three
citizens.

made in accordance with the provisions of this section shall be valid unless it receive the approval of the majority of the board so appointed.

SEC. 10. The said Board of Trustees shall immediately proceed, upon the approval of this Act, to issue the bonds herein provided for and shall advertise for a period of thirty days (in some paper published in Ormsby County, Nevada) that the Board will receive sealed proposals for the sale of said bonds; and the said Board of Trustees shall sell the bonds only to the highest bidder or bidders after due publication of said notice of sale; and when the same shall have been disposed of and the proceeds of such sale shall have been paid into the county treasury of Ormsby County, Nevada, the said Board shall proceed with due diligence to erect a suitable school building on the present site, or on a new site, as may be deemed advisable, and make the necessary improvements thereon, as a full and liberal construction of this Act will imply. The said Board of Trustees are hereby authorized to appoint a competent supervising architect or builder at a remuneration not to exceed one per cent of the estimated cost of construction of said building. No person shall be appointed to the position of supervising architect who shall be, at the time of his appointment, in any manner related to the Board of Trustees or contractor or builder.

Supervising
architect.

Appropriation
for
copying
Journal of
Assembly.

Duties of
State Con-
troller and
State
Treasurer.

CHAP. IX.—An Act to provide for copying the Journal of the Assembly for the Twenty-second Session.

[Approved February 14, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and fifty (\$150) dollars is hereby appropriated out of the Legislative Fund to be paid to Miss Irene Geiger for copying the Journal of the Assembly for the Twenty-second Session of the Nevada State Legislature for the State Printer.

SEC. 2. Upon a receipt of a certificate from the Hon. W. G. Douglass, Secretary of State, that the Journal of the Assembly for the Twenty-second Session of the Nevada State Legislature has been correctly copied and delivered to the Secretary of State, the Controller shall draw his warrant in favor of the said Miss Irene Geiger, named in section one of this Act, for the said sum of one hundred and fifty dollars, and the State Treasurer shall pay the same.

CHAP. X.—An Act to provide for the payment of extra labor and materials furnished in the construction of the Nevada State Orphans' Home building.

[Approved February 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six thousand three hundred and thirty-four dollars is hereby appropriated out of any money in the General Fund of this State, not otherwise appropriated, to pay the claim of Holesworth & Fowler, the contractors for building the Nevada State Orphans' Home building at Carson City, Nevada, being the amount certified by the Board of Directors of the said Nevada State Orphans' Home as being just and correct.

Appropriation for
Holesworth
& Fowler.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the above-mentioned amount in favor of said contractors, and the State Treasurer is hereby authorized and directed to pay the same.

Duties of
State Con-
troller and
State
Treasurer.

CHAP. XI.—An Act concerning the bringing of indigent, incompetent or incapacitated persons into the State or from one county into another county of this State, and fixing the penalty therefor.

[Approved February 20, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every county shall relieve and support all pauper, incompetent, poor, indigent persons and those incapacitated by age, disease or accident, lawfully resident therein, when such persons are not supported or relieved by their relatives or friends, or by their own means, or by State hospitals or other State or private institutions.

Counties to
relieve all
resident
indigents.

SEC. 2. The term "residence," as used in this Act, shall be taken to mean and shall be considered to mean the actual residence of each of such persons, or the place where each such persons were employed, or in case such persons were in no employment, then it shall be considered and held to be the place where such person made his or her home, or his or her headquarters.

Residence
defined.

SEC. 3. Every person, firm or corporation, or the officers, agents, servants or employees of any person, firm or corporation, bringing into or leaving within, or aiding in the bringing into or the leaving within, of any pauper or poor or indigent or incapacitated or incompetent person as hereinbefore mentioned, in any county in the State of Nevada, wherein such

Penalty for
importing
indigents.

Penalty. person is not lawfully settled or not lawfully residing as herein defined, knowing him to be such pauper, poor, indigent, or incapacitated or incompetent person, and for the purpose of imposing said person as a public charge on the county to which said person shall be taken as aforesaid, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than twenty dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than sixty days, or by both such fine and imprisonment.

Repeal. SEC. 4. All Acts or parts of Acts in conflict herewith are repealed.

CHAP. XII.—*An Act to amend an Act entitled "An Act to amend an Act amendatory of and supplementary to an Act entitled 'An Act defining the time of commencing civil actions,' approved November twenty-first, one thousand eight hundred and sixty-one," and to repeal Acts amendatory of said Act, approved March fifth, one thousand eight hundred and sixty-seven, approved March second, one thousand eight hundred and seventy-seven, being an amendment of Section 3719 of the Compiled Laws of Nevada of 1900.*

[Approved February 20, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act approved March second, one thousand eight hundred and seventy-seven, is hereby amended so as to read as follows:

Time, how reckoned. Section 2. The time in section one of this Act shall be deemed to date from the last transaction or the last item charged, or last credit given; and whenever any payment on principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note or other evidence of indebtedness if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

CHAP. XIII.—An Act to grant the right of way to R. L. Douglass, W. J. Douglass and George B. Williams, and their associates, for the construction and operation of a railroad within Churchill County, State of Nevada, from either Hazen or Massey Stations therein, on or near the said road tract of the Central or Southern Pacific or Oregon Short Line Railroad Company, as said grantees may select, to the Town of Fallon, in said Churchill County, and matters relating thereto.

[Approved February 20, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right of way to locate, construct, maintain Grants railroad franchise in Churchill County. and operate, either by steam or electric motive power, a narrow or broad-gauge railroad with iron or steel rails over or along such route as may be deemed most feasible and advantageous from a point at or near the railroad tracts of the Central or Southern Pacific or Oregon Short Line Railroad Company in said Churchill County, at either Hazen Station or Massey Station, as the grantees herein may select, to the Town of Fallon, in said Churchill County, is hereby granted to R. L. Douglass, W. J. Douglass, George B. Williams, their associates, successors and assigns for the term of fifty years; *provided*, the right of way hereby granted shall not exceed two hundred feet in width; *and provided further*, that the construction of said railroad shall be commenced within one year from the passage of this Act and completed within five years thereafter.

SEC. 2. That said R. L. Douglass, W. J. Douglass, George B. Williams, their associates, successors and assigns, shall have and are hereby given all the rights, privileges and franchises conferred upon railroad companies incorporated in the State under and pursuant to the provisions of "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865, and the Acts amendatory thereof or supplemental thereto, as far as the same are consistent with the provisions of this Act.

CHAP. XIV.—An Act to provide for the payment of indebtedness incurred by the Board of Regents of the State University, contracted by said Board for the support of the University during the years 1901, 1902, 1903 and 1904.

[Approved February 20, 1905.]

WHEREAS, In the year 1901 the Legislature of the State Preamble.

Preamble. of Nevada enacted a law entitled "An Act making appropriations for the support of the Civil Government of the State of Nevada for the fiscal years 1901 and 1902." Section 42 of said Act provides: "For the support of the State University, thirty-six thousand dollars (\$36,000), payable as follows: From the Contingent University Fund, twenty-six thousand dollars (\$26,000), and from the Interest Account, Ninety-Thousand-Acre Grant, ten thousand dollars (\$10,000)." And in the year 1903 the Legislature of the State of Nevada enacted a law entitled "An Act making appropriations for the support of the Civil Government of the State of Nevada for the fiscal years 1903 and 1904." Section 45 of said Act provides: "For the support of the State University, Forty-two thousand five hundred dollars (\$42,500), ten thousand dollars (\$10,000) to come from the Interest Account, 90,000-Acre Grant, and thirty-two thousand five hundred dollars (\$32,500) to come from the Contingent University Fund"; and

Preamble. WHEREAS, By reason of the insufficiency of revenue coming into said fund in the years 1901, 1902, 1903 and 1904, the said State University was deprived of the benefit of such appropriation to the extent of two thousand seven hundred and forty dollars and sixty-five cents (\$2,740.65); now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation to pay indebtedness of State University.

SECTION 1. The sum of two thousand seven hundred and forty dollars and sixty-five cents (\$2,740.65) is hereby appropriated out of any moneys in the General Fund of the State for the payment of the indebtedness incurred by the Regents of the State University at Reno, Nevada, for the support of the said State University during the years 1901, 1902, 1903 and 1904, the said amount to be expended in payment of claims, as follows, to wit: Claims approved and remaining unpaid, pay roll for October, 1902, eight hundred forty-four dollars and forty cents (\$844.40); pay roll for November, 1902, three hundred eighty-five dollars and six cents (\$385.06); December 6, 1902, Sunset Telephone Company, nine dollars and fifty cents (\$9.50); December 6, 1902, Donnels & Steinmetz, three dollars (\$3.00); pay roll for September, 1904, six hundred ninety dollars and thirty-five cents (\$690.35); pay roll for October, 1904, eight hundred eight dollars and thirty-four cents (\$808.34).

Duties of Controller and Treasurer.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the persons entitled for the several amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. XV.—An Act to authorize the Secretary of State to employ a stenographer and fixing the compensation.

[Approved February 21, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State of the State of Nevada is hereby authorized to employ a stenographer, whose compensation shall be nine hundred (\$900) dollars per annum, payable out of the General Fund of the State of Nevada.

Appropriation for stenographer for
Secretary of State.

SEC. 2. This Act shall take effect immediately.

CHAP. XVI.—An Act to pay the deficiencies in the appropriations for the years 1903 and 1904.

[Approved February 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty-one hundred and sixteen ^{Appropriation to pay} ₁₉₀₀ dollars (\$4,116.26) is hereby appropriated out of any ^{deficiencies of 1903 and 1904} moneys in the General Fund of the State for the payment of deficiencies in the appropriations for the years A. D. 1903 and 1904, as follows:

J. M. Benton, \$137.30; Charles Crippen, \$85.75; T. R. Hofer, Jr., \$5; Wells, Fargo & Co., \$23.96; Sunset Telephone Co., \$135.73; Mrs. Lopez, \$12.50; Bancroft-Whitney Co., \$3; W. R. Davis, \$6.75; C. H. Maish, \$12; F. J. Steinmetz, \$10; C. W. Friend, \$5; California Institution for the Deaf and Blind, \$996.17; Western Union Telegraph Co., \$15.90; J. Buchannon, \$200; Ed. J. Walsh, \$416.05; George H. Meyers, \$0.60; Robert McCrimmon, \$13.50; Wm. Kinney, \$60; P. J. McMahon, \$40.50; Josephine A. Roberts, \$143.15; H. G. Bath, \$8; Carson City Coal Gas Co., \$24; Orvis Ring, \$11; M. W. Wiard, \$1.25; Truckee River General Electric Company, \$25; J. Doane, \$163.50; Roger Crow, \$2; Carson Book and News Co., \$79.65; Wm. Kayser, \$27; George Kramer, \$9; Wm. Anderson, \$18; Nyda Christian, \$1,425.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the persons above named for the ^{Duties of} _{Controller and} several amounts specified in this Act, and the State Treasurer ^{and} _{Treasurer.} is hereby directed to pay the same.

CHAP. XVII.—An Act entitled an Act to pay the deficiencies of the World's Fair, St. Louis, Louisiana Purchase Exposition Commissioners of Nevada.

[Approved February 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation to pay deficiencies of St. Louis World's Fair Commission.

SECTION 1. The sum of eight thousand nine hundred and fifty-six dollars and forty-four cents (\$8,956.44) is hereby appropriated out of any moneys in the General Fund of the State for the payment of deficiencies in the appropriation made to carry out the provisions of "An Act entitled an Act to provide for the collection, arrangement and display of the products of the State of Nevada at the World's Fair, St. Louis, Louisiana Purchase Exposition, to be held at the City of St. Louis and State of Missouri, May 1 to November 1, 1904, and to make an appropriation therefor," approved March 13, 1903. Said deficiencies are in words, figures and recitals, as follows: T. H. Tholwegan, \$123; Simmonds Hardware Co., \$23.65; West Disinfectant Co., \$2; Buxton & Skinner Co., \$69.60; Courad & Co., \$229.28; Edna Sinclair, \$50; H. E. Freudenthal, \$50.71; Broderick & Wind, \$2,126; J. A. Yerington, \$2,803.34; J. A. Yerington, \$1,400; J. A. Yerington, \$250; J. A. Yerington, \$250; C. E. Watson, \$388.86; C. H. E. Hardin, \$1,190.

Duties of Controller and Treasurer.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the persons above named for the several amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. XVIII.—An Act to pay deficiencies in the State Prison appropriation for the years 1903 and 1904.

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation to pay State Prison deficiencies.

SECTION 1. The sum of fourteen thousand three hundred eleven dollars and ninety-one cents (\$14,311.91) is hereby appropriated out of any moneys in the General Fund of the State for the payment of deficiencies in the State Prison appropriation for the years 1903 and 1904, as follows:

W. F. King, \$3; H. R. Mighels, \$8; Jos. Platt, \$170.26; H. G. Bath, \$3; J. E. Richardson, \$19.08; J. W. Robinson, \$21.90; M. A. Downey, \$4; Western Union Co., \$1.25; J. Kelly Co., \$6; H. A. Lemmon, \$7.50; Mrs. H. M. Anderson, \$23.25; J. Saffell, \$1.75; F. A. Cushing, \$6.55; Wm. Smith, \$33.80; V. & T. R. R. Co., \$22.55; E. Burlington, \$32; V. & T. R. R. Co., \$0.45; Geo. Bath, \$40.35; M. W. Wiard, \$9.25;

F. W. Day, \$7.20; Dr. A. Huffaker, \$60; Rev. F. W. Lloyd, State Prison deficiencies. \$10; Rev. D. Gartland, \$10; Rev. B. J. Darneille, \$10; Rev. H. H. McCreery, \$10; Peterson & Springmeyer, \$27.65; Geo. F. Vonderhyde, \$0.25; R. Crow, \$8; Davey & Maish, \$6.50; T. R. Gen. Electric Co., \$77.50; J. M. Benton, \$20; Jas. Raycraft, \$15; C. L. Kitzmeyer, \$28.40; Leete & Leary, \$6; W. H. Chedic, \$286.99; J. L. Considine, \$47.95; Ed. J. Walsh, \$562.70; J. L. Considine, \$166.65; J. J. Quinlan, \$125; C. M. Cavanaugh, \$100; J. S. Burlingame, \$100; Albert O'Brien, \$100; J. G. Lucey, \$100; J. E. Muller, \$60; C. F. Riley, \$60; G. C. Warren, \$60; T. Dolan, \$60; M. Horan, \$60; N. F. Dow, \$44; C. H. Stone, \$60; Henry Hughson, \$60; J. Barrett, \$60; Albert Lichtenberg, \$60; Z.P. Machabee, \$60; A.C. McCleary, \$60; M. Walsh, \$90; G. Guinan, \$16; H. F. Dangberg L. & L. Co., \$373.52; Robt. Shirley, \$106.50; Ed. J. Walsh, \$462.84; R. Cleator, \$36; J. McGrath, \$117.30; J. L. Considine, \$17.50; Ed. J. Walsh, \$439.95; Otto Schulz, \$266.54; Rev. H. H. McCreery, \$10; Rev. D. Gartland, \$10; Rev. B. J. Darneille, \$10; Truckee River General Electric Co., \$77.50; George H. Meyers, \$3.24; J. M. Benton, \$20; Davey & Maish, \$6.50; M. W. Wiard, \$5.95; Jas. Raycraft, \$15; V. & T. R. R. Co., \$14.40; C. E. Wylie, \$3.55; Peterson & Springmeyer, \$18.92; Leete & Leary, \$2; Geo. Bath, \$22.35; Sierra Nev. W. & L. Co., \$5.12; F. W. Day, \$7; C. L. Kitzmeyer, \$30.25; Truckee River General Electric Co., \$30; Carson Book and News Co., \$3.80; John Muldoon, \$44.50; R. Crow, \$4; E. Burlington, \$19.25; Geo. F. Vonderhyde, \$2.65; S. G. Lamb, \$47.50; S. G. Lamb, \$91.50; J. R. Bradley, \$6; Neil Maher, \$14; Dr. A. Huffaker, \$60; J. J. Quinlan, \$125; C. M. Cavanaugh, \$100; J. S. Burlingame, \$100; P. S. Gardner, \$100; Albert O'Brien, \$100; J. E. Muller, \$60; C. F. Riley, \$28; G. C. Warren, \$60; T. Dolan, \$60; M. Horan, \$60; N. F. Dow, \$60; J. G. Lucey, \$60; C. H. Stone, \$60; C. C. Sanford, \$58; J. G. Guinan, \$8; M. Walsh, \$34; Henry Hughson, \$4; J. L. Considine, \$166.65; J. J. Quinlan, \$125; C. M. Cavanaugh, \$100; J. S. Burlingame, \$100; P. S. Gardner, \$44; Albert O'Brien, \$46.70; M. Walsh, \$60; J. E. Muller, \$60; G. C. Warren, \$60; T. Dolan, \$60; M. Horan, \$60; N. F. Dow, \$50; J. G. Lucey, \$42; C. H. Stone, \$58; C. C. Sanford, \$4; Henry Hughson, \$56; Wm. Ross, \$56; G. Guinan, \$30; Ed. J. Walsh, \$603.78; J. L. Considine, \$166.65; J. J. Quinlan, \$125; C. M. Cavanaugh, \$100; J. S. Burlingame, \$100; Albert O'Brien, \$100; J. G. Lucey, \$100; J. E. Muller, \$60; C. F. Riley, \$60; G. C. Warren, \$60; T. Dolan, \$56; M. Horan, \$60; N. F. Dow, \$38; C. H. Stone, \$60; Henry Hughson, \$34; G. Guinan, \$26; M. Walsh, \$22; Julian Guinan, \$4; Albert Lichtenberg, \$60; J. Barrett, \$24; Z. P. Machabee, \$24; A. C. McCleary, \$24; M. Walsh, \$39; J. L. Considine, \$41.10; Otto Schulz, \$347.12; Rev. H. H. McCreery, \$10; Rev. D. Gartland, \$10; Rev. B. J. Darneille, \$10; Truckee River General Electric Co., \$77.50; Truckee River General Electric Co, \$2; J. M. Benton, \$20; Davey &

State Prison deficiencies. Maish, \$7.75; M. W. Wiard, \$9.15; Jas. Raycraft, \$15; Petersen & Springmeyer, \$32.83; Geo. Bath \$43.33; F. W. Day, \$123.75; C. L. Kitzmeyer, \$35.40; Carson Book and News Co., \$0.50; Jno. Muldoon, \$52.29; R. Crow, \$5.75; E. Burlington, \$33.35; Dr. A. Huffaker, \$60; Rev. F. W. Lloyd, \$10; Andrew Robert, \$1; A. J. Millard, \$21; E. D. Sweeney, \$490; J. E. Richardson, \$9.10; H. F. Dangberg L & L. Stock Co., \$47.85; J. Kelly Co., \$32.15; M. Gardner, \$4.05; Jno. Lloyd, \$58.79; L. G. Clark, \$69.10; L. G. Clark, \$81.30; W. A. Ingalls, \$31; Jno. Hayes, \$30; Jno. Hayes, \$22; Sunset Tel. Co., \$31.85; J. L. Considine, \$166.65; J. J. Quinlan, \$125; C. M. Cavanaugh, \$100; J. S. Burlingame, \$100; J. G. Lucey, \$100; Albert O'Brien, \$100; J. E. Muller, \$60; C. F. Riley, \$60; G. C. Warren, \$60; T. Dolan, \$56; M. Horan, \$60; N. F. Dow, \$4; C. H. Stone, \$58; Henry Hughson, \$40; G. Guinan, \$60; M. Walsh, \$56; Julian Guinan, \$16; Thos. Carney, \$2; Albert Litchtenberg, \$14; V. & T. R. R. Co., \$24.12; Ed. J. Walsh, \$405.04; W. H. Chedic, \$265.03; Dr. A. Huffaker, \$60; Rev. F. W. Lloyd, \$20; Rev. H. H. McCreery, \$10; Rev. D. Gartland, \$10; Rev. B. J. Darneille, \$10; Jas. Raycraft, \$15; E. Burlington, \$6; J. M. Benton, \$20; C. Kitzmeyer, \$31.30; Wm. Smith, \$100; C. E. Wylie, \$3.35; M. W. Wiard, \$4.35; J. L. Considine, \$87.95; R. Crow, \$11; Frank Golden Jewelry Co., \$2.50; Jno. Muldoon, \$69.07; Geo. Bath, \$15.10; T. R. Gen. Electric Co., \$77.50; C. H. Maish, \$3; Carson Book and News Co., \$1.85; F. W. Day, \$133.30; Petersen & Springmeyer, \$31.73; Davey & Maish, \$2.80; Geo. H. Meyers, \$4.12; Wm. M. McCormack, \$10; S. G. Lamb, \$47.50.

**Duties of
Controller
and
Treasurer.**

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the persons above named for the several amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. XIX.—*An Act to provide for immediate destruction of domestic animals dying of contagious or infectious diseases.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

**Animals
dying of
infectious
diseases
must be
buried.**

Proviso.

SECTION 1. It is hereby made the duty of any person, firm, or corporation, or of the officers or agents of any person, firm or corporation, owning or claiming any cattle, sheep, pigs, horses or other animals that shall die of any contagious or infectious disease, to cause any of said animals dying as aforesaid to be burned or buried with not less than three feet of earth over the carcass within twenty-four hours after the knowledge of death as aforesaid shall have come to said person, firm, corporation, officers or agents; *provided, however,* this Act shall not apply to domestic animals dying without a

limit of one mile of any town, city, inhabited ranch house, or one-half mile of any public highway, situated in the State of Nevada.

SEC. 2. Any person, firm or corporation, or the officers or agents of any person, firm or corporation, that shall fail or refuse to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars, or be imprisoned in the county jail for any term not less than ten days nor more than twenty days, or by both such fine and imprisonment.

SEC. 3. All Acts and parts of Acts in conflict herewith ~~Repeal.~~
are hereby repealed.

CHAP. XX.—*An Act to amend Section 1 of an Act entitled "An Act authorizing ministerial officers to appoint deputies," the same being Section 2451 of the Compiled Laws of Nevada, 1900.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Section 1. All Prosecuting Attorneys, County Recorders, Clerks of the several District Courts, County Clerks, Sheriffs, Assessors, Collectors of Taxes, Constables and Public Administrators, are hereby authorized to appoint deputies, who shall have power to transact all official business appertaining to said officers, to the same extent as their principals; *provided*, that the deputy appointed by the Public Administrator may act as ex officio Coroner.

All ministerial officers may appoint deputies.

Proviso.

CHAP. XXI.—*An Act amendatory of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 197 of said Act is hereby amended to read as follows:

Section 197. The party intending to move for a new trial shall give notice of the same, as follows: When the action has been tried by a jury, within ten days after the rendition of the verdict, and when the action has been tried by the Court or by a referee, within ten days after receiving written notice of the rendering of the decision of the Judge or of the

Proceedings in moving for new trial.

Time of
notice to be
filed.

filing of the report of the referee. The notice shall designate generally the grounds upon which the motion will be made. Within five days after giving such notice the said party shall prepare and file with the Clerk the affidavit or statement required by the last section. A copy of the affidavit shall, on the same day, be served on the adverse party. The party preparing the statement shall number the pages and lines thereof, and, after having filed the same with the Clerk, and had such filing entered and endorsed, shall serve the same on the adverse party, on the same day, who may propose amendments thereto, referring to the page and line of the statement, and shall, within five days after the service on him of the statement, file his amendment with the Clerk, and, after having such filing entered and endorsed, shall, on the same day, serve the same, with the statement, upon the moving party, who shall, within five days thereafter, give written notice to the adverse party if he declines admitting the amendments, or they shall be deemed accepted. At any time thereafter either party may have the statement settled by the Judge or referee upon two days' notice thereof to the other party. If no affidavit or statement be filed within five days after the notice for a new trial, the right to move for a new trial shall be waived. When the notice designates, as the ground upon which the motion will be made, the insufficiency of the evidence to justify the verdict or other decision, it shall be a sufficient assignment of error to specify that the verdict of the jury, or the decision, or judgment, or decree of the Court, is not supported by the evidence, or is contrary to the evidence. In such case, where it appears that the evidence, taken altogether, does not, by a fair preponderance, support the verdict, or decision, or judgment, or decree of the Court, a new trial shall be granted, or, upon appeal, the case shall be reversed without regard to whether there are express findings upon all the issues, or whether the specifications particularly point out the finding or findings, either express or implied, that are not supported by the evidence, or are contrary thereto. When the notice designates, as the ground of the motion, error in law occurring at the trial and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specifications be made, the statement shall be disregarded. The statement shall contain so much of the evidence or reference thereto as may be necessary to explain the particular points thus specified, and no more. When the statement is agreed to it shall be accompanied with the certificate, either of the parties themselves in fact or their attorney, that the same has been agreed upon and is correct. When settled by the Judge or referee, it shall be accompanied with his certificate that the same has been allowed by him and is correct. When no amendments have been filed, the statement shall be accompanied with the certificate of the

Settlement
of statement.

Clerk of that fact. On the argument, reference may also be made to the pleadings, depositions, and documentary evidence on file, testimony taken and written out by a shorthand reporter authorized by the Court to make the same, and the minutes of the Court. If the application be made upon affidavits filed, the adverse party may use counter affidavits on the hearing. Any counter affidavit shall be filed with the Clerk, and copies served on the moving party, at least two days previous to the hearing. The affidavits and counter affidavits, or the statement thus used in connection with such pleadings, depositions, documentary evidence on file, testimony taken by a reporter, and minutes of the Court as are read or referred to on the hearing shall constitute, without further statement, the papers to be used on appeal from the order granting or refusing the new trial. To identify the affidavits, it shall be sufficient for the Judge or Clerk to indorse them at the time as having been read or referred to on the hearing. To identify any depositions, documentary evidence on file, testimony taken by a reporter, or minutes of the Court read or referred to on the hearing, it shall be sufficient that the Judge designate them as having been read or referred to in his certificate to be for that purpose by him made thereon. The several periods of time limited may be enlarged by the written agreement of the parties, or upon good cause shown, by the Court or the Judge before whom the cause was tried.

CHAP. XXII.—*An Act relating to certain outstanding and unapplied-for county warrants issued against the General Fund of Nye County, State of Nevada.*

[Approved February 25, 1905.]

WHEREAS, Between the first day of January, A. D. eighteen hundred and seventy-five, and the thirty-first day of December, A. D. eighteen hundred and eighty-nine, certain and several evidences of indebtedness or county warrants were duly issued by the Board of County Commissioners of Nye County, State of Nevada, against the General Fund of said county; and

WHEREAS, The outstanding county warrants so issued have not been presented for payment, although duly advertised as payable, with money in the county treasury to redeem them; and

WHEREAS, Of the county warrants so issued, certain and several of them now remain in the office of the County Recorder of said Nye County, the persons to whom they were issued not having applied for them; and

WHEREAS, It is believed said outstanding county warrants have been lost or destroyed, and that the persons to whom said county warrants, now remaining and not applied for, were issued will not present them for payment; and

WHEREAS, Legislative action should be taken in order that the books of the Auditor and Treasurer of said Nye County be relieved from carrying these warrants as cash balances; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the first regular meeting of the Board of County Commissioners of Nye County, State of Nevada, after the approval of this Act, said Board of County Commissioners are hereby authorized, empowered and required to advertise in some daily or weekly newspaper published in said Nye County—for the period of two months, one insertion each week—for the presentation for payment of all outstanding and unapplied-for county warrants issued against the General Fund of said Nye County between the first day of January, A. D. eighteen hundred and seventy-five, and the thirty-first day of December, A. D. eighteen hundred and eighty-nine.

SEC. 2. Upon the expiration of the time named for advertising in section one of this Act all outstanding and unapplied-for county warrants issued against the General Fund of said Nye County, State of Nevada, between the first day of January, A. D. eighteen hundred and seventy-five, and the thirty-first day of December, A. D. eighteen hundred and eighty-nine, and not presented at the office of the County Treasurer of said Nye County for payment, shall be deemed void and canceled, and the order for their allowance vacated and rendered void. The County Auditor shall then notify the County Treasurer of the amount of said county warrants so declared void, whereupon the County Auditor and County Treasurer shall balance their respective books, by proper entries, briefly reciting the provisions of this Act for their authority.

SEC. 3. If at any time, after the preceding sections of this Act shall have been complied with, any county warrant issued against the General Fund of Nye County, State of Nevada, between the first day of January, A. D. eighteen hundred and seventy-five, and the thirty-first day of December, A. D. eighteen hundred and eighty-nine, shall be presented at the office of the County Treasurer of Nye County, State of Nevada, for payment, said county warrant or warrants shall be deemed a just and legitimate claim against said county, and shall be allowed by the Board of County Commissioners of said county, and audited and paid in the same manner as other claims against the county are allowed, audited and paid.

Warrants
redeemed.

Commission-
ers required
to advertise.

After
advertising,
certain
warrants
deemed void
and canceled

CHAP. XXIII.—An Act to authorize the Board of County Commissioners of Churchill County to issue bonds for the purpose of creating a fund for the erection of a county jail.

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of County Commissioners of ^{County jail}_{in Fallon.} Churchill County, Nevada, are hereby authorized and empowered to prepare and issue bonds of said county for an amount not exceeding the sum of five thousand dollars, exclusive of interest, for the purpose of providing funds for the erection of a county jail in the Town of Fallon in said county.

SEC. 2. Prior to the first Monday in May, nineteen hundred and five, the Board of County Commissioners of ^{County Com-}_{missioners to issue bonds} said county, shall cause said bonds to be prepared and ready for issuance. Said bonds shall be signed by the Chairman of the Board, countersigned by the County Treasurer, and authenticated with the seal of the county. Coupons for interest shall be attached to each bond, so that the same may be removed without injury to the bond, and each of such coupons shall be consecutively numbered and signed by the Chairman of the said Board and the County Treasurer.

SEC. 3. The Clerk of the Board of County Commissioners ^{Clerk to keep record.} shall keep a record of all proceedings under the provisions of this Act, showing the number and date of each bond, and to whom issued.

SEC. 4. The Board of County Commissioners of Churchill County are hereby authorized to negotiate the sale of said bonds, by advertising for sealed proposals, or by private sales as they may deem for the best interests of the county; ^{Negotiation of bonds authorized.} *provided*, that no bonds shall be sold for less than their par value, and that all bonds shall be made for gold coin of the United States, and the interest thereon shall be payable in like gold coin.

SEC. 5. Said bonds shall each be in the sum of five hundred dollars, and the interest on the same shall not exceed six per cent per annum, payable annually on the first Monday in January of each year, at the office of the County Treasurer of said Churchill County, and in no case shall any of said bonds run a longer period than ten years.

SEC. 6. For the purpose of creating a fund for the payment of the bonds authorized by this Act, and the interest thereon, the Board of County Commissioners of Churchill County are hereby authorized and required to levy and collect annually a special tax of not exceeding fifteen cents upon ^{Churchill County Jail Fund.}

each one hundred dollars of assessed value of all property, both real and personal, within the boundaries of said Churchill County, until such bonds and the interest thereon shall have been fully paid. Such tax shall be levied and collected in the same manner and at the same time as other taxes are assessed and collected, and the proceeds thereof shall be kept by the County Treasurer in a special fund to be known as the "Churchill County Jail Fund."

Bonds must be redeemed. SEC. 7. Whenever on the first Monday in January, nineteen hundred and seven, and any year thereafter, after the payment of the interest then accrued on said bonds, there shall remain a surplus in said Churchill County Jail Fund of five hundred dollars or upwards, the County Treasurer of said Churchill County shall proceed to advertise, for not less than three weeks, in such manner as the Board of County Commissioners may direct, for proposals for the surrender of the bonds provided for in this Act. Such notice or advertisement shall state the time and place for receiving such bonds, the amount of money on hand applicable to the redemption of such bonds, and that no bid will be received at a rate exceeding the par value thereof. The County Treasurer, together with the County Commissioners, shall proceed to open and consider such proposals at the time and place specified in such advertisement, and shall accept such proposals at a rate not exceeding the par value as may redeem the greatest amount of bonds, until the amount of money on hand is exhausted;

Manner of redemption. *provided*, that in case more bonds are offered for redemption than can be purchased by the money in said fund, and there being no difference in the bids, then, and in that case, the County Treasurer and the Board of County Commissioners shall determine by lot which of said bonds so offered shall be paid first. In case, on the day mentioned for reception of proposals, no bids for the surrender of bonds shall have been received, or if, after redeeming all bonds offered, there remain in the "Churchill County Jail Fund" the sum of five hundred dollars or more, then, and in such event, the Board shall determine by lot which of the outstanding bonds shall be redeemed, and the County Treasurer shall then give notice, by letter or publication in such manner as the Board may direct, that said bond or bonds, if not presented for payment, shall cease to bear interest from and after thirty days from the date of such letter, or the first publication of said notice.

Tax to cease. SEC. 8. Whenever the bonds and interest provided for in this Act shall have been fully paid, the tax authorized by this Act shall cease and all moneys remaining in said "Churchill County Jail Fund" shall, by order of the Board of County Commissioners, be transferred to the General Fund of said county.

SEC. 9. Whenever the County Treasurer shall pay any coupons on bonds, issued under the provisions of this Act,

Interest to cease.

he shall cancel the same by writing across the face thereof, Duties of
county
officers. the word "Paid," together with the date of such payment, sign his name thereto, and turn the same over to the County Auditor, taking his receipt therefor, which receipt shall be filed with the Clerk of the Board of County Commissioners, and the Auditor shall credit the Treasurer on his books with the amounts so paid.

SEC. 10. The faith of the State of Nevada is hereby Faith of
State
pledged. pledged that this Act shall not be repealed, nor taxation thereby imposed omitted, until all the bonds and coupons issued under and by virtue thereof shall have been paid in full.

CHAP. XXIV.—*An Act to authorize the Board of County Commissioners of Nye County to issue bonds for the purpose of creating a fund for the erection and furnishing of county buildings in the Town of Tonopah.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of County Commissioners of Nye County, Nevada, are hereby authorized and empowered to prepare and issue bonds of said county, after the first day of March, 1905, for an amount not exceeding the sum of thirty-five thousand dollars, exclusive of interest, for the purpose of providing funds for the obtaining of premises and erection and furnishing of a court house and jail, and necessary county buildings in the Town of Tonopah in said county. Bonds for
new court
house and
jail at
Tonopah.

SEC. 2. Prior to the first Monday in May, 1905, the Board of County Commissioners of said county shall cause said bonds to be prepared and ready for issuance. Said bonds shall be signed by the Chairman of the Board, countersigned by the County Treasurer, and authenticated with the seal of the county. Coupons for interest shall be attached to each bond, so that the same may be removed without injury to the bonds, and each of said coupons shall be consecutively numbered, and signed by the Chairman of said Board and the County Treasurer. Bonds to be
prepared.

SEC. 3. The Clerk of the Board of County Commissioners shall keep a record of all proceedings under the provisions of this Act, showing the number and date of each bond and to whom issued. Clerk to
keep record.

SEC. 4. The Board of County Commissioners of Nye County are hereby authorized and directed to negotiate the sale of Sale
negotiated. said bonds by advertising for sealed proposals or by private sales as they may deem for the best interest of the county; *provided*, that no bond shall be sold for less than par value; *and provided*, that all bonds shall be made for gold coin of Not less than
par value. the United States, and the interest thereon shall be payable in like gold coin.

Denomina-
tion.

Interest not
more than
6 per cent.

Limitation
of time.

Court House
Bond Fund
created.

Obligations
of county.

Tax to cease.

Duties of
county
officers.

Faith of
State
pledged.

SEC. 5. Said bonds shall be each in the sum of one thousand dollars. They shall be numbered from one to thirty-five continuously; and the interest on the same shall not exceed six per cent per annum, payable annually on the first Monday in January in each year at the office of the County Treasurer of said Nye County, and in no case shall any of said bonds run for a longer period than seven years.

SEC. 6. For the purpose of creating a fund for the payment of the bonds authorized by this Act and the interest thereon, the Board of County Commissioners of Nye County are hereby authorized and required to levy and collect annually a special tax on the assessed value of all property, both real and personal, including proceeds of mines within the boundaries of said Nye County, until such bonds and interest thereon shall have been fully paid, sufficient to pay the interest on said bonds and to pay and retire five of said bonds annually after the first Monday in January, 1906. Such tax shall be levied and collected in the same manner and at the same time as other taxes are assessed and collected, and the proceeds thereon shall be kept by the County Treasurer in a special fund to be known as the "Court House Bond Fund."

SEC. 7. It shall be obligatory on said county and its proper officers, to fully pay the interest on said bonds annually, and to fully pay and retire five of said bonds on the first Monday of January, 1907, beginning with the first number thereof, and so on consecutively. And on the first Monday of January of each year thereafter until said bonds and the interest thereon are fully paid, canceled and retired, to pay and retire five of said bonds in such manner.

SEC. 8. Whenever the bonds and interest provided for in this Act shall have been fully paid the tax authorized by this Act shall cease, and all moneys remaining in said bond fund shall, by order of the Board of County Commissioners, be transferred to the General Fund of said county.

SEC. 9. Whenever the County Treasurer shall pay anything on the bonds issued under the provisions of this Act, he shall cancel the same by writing across the face thereof "Paid," together with the date of such payment, sign his name thereto and turn the same over to the County Auditor, taking his receipt therefor, which receipt shall be filed with the Clerk of the Board of County Commissioners, and the Auditor shall credit the Treasurer on his books with the amount so paid.

SEC. 10. The faith of the State of Nevada is hereby pledged that this Act shall not be repealed, nor taxation thereby imposed omitted, until all the bonds and coupons issued under and by virtue thereof shall have been paid in full, as in this Act specified.

CHAP. XXV.—An Act to amend Section 1 of an Act providing for the appointment of a Deputy Sheriff of Washoe County, and fixing and regulating his compensation, approved March 16, 1903.

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of the above-entitled Act is hereby amended so as to read as follows:

Section 1. The Sheriff of Washoe County is hereby authorized to appoint a deputy to be known as Chief Deputy Sheriff, and for the duties of said office said Chief Deputy Sheriff shall receive the sum of twelve hundred dollars per annum, Compensation. Chief Deputy Sheriff of Washoe County.

CHAP. XXVI.—An Act for the preservation of a bird known as the American Eagle, within the State of Nevada.

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons, firm, company, corporation or association to kill, destroy, wound, trap, injure, keep in captivity, or in any other manner to catch or capture, or to pursue with such intent the bird known as the American Eagle, within this State, or to take, injure or destroy the nest or eggs of said before-mentioned bird. American Eagle protected.

SEC. 2. Any person or persons, firm, company, corporation or association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five (\$25) dollars, nor more than two hundred (\$200) dollars, or imprisonment in the county jail of the county in which said conviction is had for any term not exceeding six months, or by both such fine and imprisonment, and in addition to the costs now allowed by law on criminal prosecution, twenty-five (\$25) dollars liquidated damages, shall be entered up as costs against such defendant, and collected in the manner now provided by law for the collection of costs in civil action, which said sum of twenty-five (\$25) dollars shall be paid to the party instrumental in securing the arrest and conviction of said defendant. Penalties.

SEC. 3. It shall be the duty of the Sheriff and his deputies, Constable and his deputies, District Attorney and all other peace officers in this State, upon receiving information from any person, that any provisions of this Act have been violated, to immediately institute proceedings in the proper court against the person or persons thus complained of, and Duties of peace officers.

prosecute the same with reasonable diligence to final judgment, and any peace officer refusing to make complaint or institute proceedings as herein provided, shall be guilty of a misdemeanor in office, and fined in any sum not exceeding twenty-five (\$25) dollars.

CHAP. XXVII.—*An Act adopting the design of the flag of the State of Nevada.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Flag of
Nevada.
Specifica-
tions.

SECTION 1. The flag of the State of Nevada will be of blue bunting, with the following devices thereon, to wit: The word "NEVADA" in silver-colored block letters, equidistant between the top and bottom; near the top the word "SILVER" in silver color, and near the bottom, the word "GOLD" in gold color, each of which shall be in Roman capital letters, and there shall be under the word "Silver" a row of eight stars in silver color, under which and above the word "Nevada" a row of nine stars in gold color, at each end of the word "Nevada" a silver-colored star, and under the word "Nevada" a row of nine stars in gold color, under which and above the word "Gold" a row of eight stars in silver color. Each star shall have five points and be placed with one point up.

CHAP. XXVIII.—*An Act amending Section 2 of an Act entitled "An Act separating the offices of Treasurer and Assessor in White Pine County, and fixing the salaries of said offices," approved March 2, 1901, and adding thereto a section to be known as Section 4.*

[Approved February 25, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer
and Assessor
of White
Pine County.

SECTION 1. Section 2 of an Act entitled "An Act separating the offices of Treasurer and Assessor in White Pine County, and fixing the salaries of said offices," approved March 2, 1901, is hereby amended so as to read as follows:

Salary of
Treasurer.

Section 2. The Treasurer of White Pine County shall receive a salary of one thousand dollars per annum as full compensation for all services rendered by himself and deputies.

SEC. 2. A new section is hereby added to said Act, to be known as Section 4, as follows:

Section 4. The Sheriff of White Pine County may appoint ^{Deputy Sheriff.} one Deputy Sheriff who shall receive a salary of seventy-five dollars per month, and who shall, among other duties required ^{Salary.} of him, act as jailer, janitor and watchman of the Court House building.

SEC. 3. This Act shall take effect immediately upon its approval.

CHAP. XXIX.—*An Act to pay the fees and expenses of a member of the State Board of Health on a trip to Goldfield, Esmeralda County, to investigate causes of epidemic existing there, and to remedy same.*

[Approved February 27, 1905.]

WHEREAS, The Governor of this State has received certain communications from the Sheriff of Esmeralda County, and from residents of the Town of Goldfield in said county, informing him of the existence of an epidemic of smallpox ^{Epidemic} in said town; and of the fact that the officers of said town ^{in Goldfield.} are unable to cope with the situation, and in some cases have refused to act; and

WHEREAS, The aforesaid correspondence relating to the epidemic existing in said Town of Goldfield has been transmitted by the Governor to the Senate for its consideration; and

WHEREAS, The Committee on Public Morals of the Senate, to which the matter has been referred, has consulted with the State Board of Health in regard to the same, and has requested a member of said Board to proceed immediately to said Town of Goldfield, and use all means in his power to remedy the existing evils, and to investigate the health conditions in that town and other towns in the vicinity; therefore

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five hundred (\$500) dollars is ^{Appropria-} hereby appropriated out of the General Fund, or from any ^{tion for} moneys not otherwise appropriated, to pay the expenses of ^{expense.} said investigation and to meet the immediate expense of correcting the existing conditions.

SEC. 2. The State Controller is hereby authorized and ^{Duties of} instructed to draw his warrant in favor of the State Board ^{Controller} and of Health, for the sum of five hundred (\$500) dollars, and the ^{Treasurer.} State Treasurer is hereby directed to pay the same.

**CHAP. XXX.—An Act fixing the salaries and compensation
of the officers of Churchill County.**

[Approved February 27, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salaries
of Churchill
County
officers.

Sheriff.

County
Recorder.

County
Clerk.

County
Treasurer.

County
Assessor.

District
Attorney.

County Com-
missioners.

No allow-
ance for
other
deputies.

Salaries
paid in
monthly
installments.

Repeal.

SECTION 1. On and after the first day of April, 1905, the Sheriff of Churchill County shall receive the sum of twelve hundred dollars (\$1,200) per annum, and such fees as are allowed by law in civil cases, and a deputy who shall receive the sum of seven hundred and twenty dollars (\$720) per annum, which shall be compensation in full for all services rendered.

SEC. 2. The County Recorder, and as ex officio Auditor, shall receive the sum of twelve hundred (\$1,200) dollars per annum, which shall be compensation in full for all services rendered, and he shall pay into the county treasury each month all moneys collected by him as fees. The County Clerk, and as ex officio Clerk of the Board of County Commissioners, shall receive the sum of seven hundred and fifty (\$750) dollars per annum, which shall be compensation in full for all services rendered, and he shall pay into the County Treasury each month all moneys collected by him as fees. The County Treasurer shall receive the sum of nine hundred (\$900) dollars per annum. The County Assessor shall receive the sum of seven hundred and fifty (\$750) dollars per annum, which shall be compensation in full for all services rendered by him or his deputy. The District Attorney shall receive the sum of nine hundred (\$900) dollars per annum, and he shall also receive the sum of one hundred (\$100) dollars per annum as ex officio Superintendent of Public Schools.

SEC. 3. The County Commissioners shall each receive the sum of four hundred (\$400) dollars per annum, which shall be compensation in full for all services rendered.

SEC. 4. No allowance shall be made by the Board of County Commissioners for the compensation of any deputy or deputies for any of the officers named in this Act, except as herein expressly provided.

SEC. 5. All salaries herein provided for and not otherwise payable, shall be payable monthly in twelve equal installments. The County Auditor shall on the first Monday of each month draw his warrant on the Salary Fund in favor of each of the officers named herein, for the salary due said officer for the last preceding month, and the County Treasurer shall pay said warrant out of said fund.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. XXXI.—An Act to provide means for paying the expenses of the litigation now pending to prevent the pollution of the waters of the Truckee River.

[Approved February 27, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys not otherwise appropriated in the State Treasury of the State of Nevada, for the purpose of defraying the expenses incurred and to be incurred in the suit of the State of Nevada, plaintiff, vs. Floriston Pulp and Paper Company, defendant, now pending in the United States Circuit Court, Ninth Circuit, Northern District of California, brought for the purpose of restraining and preventing the pollution of the waters of the Truckee River, and in any other court to which the same may be appealed, such expenditure to be paid as other claims against the State are allowed and paid, and the Board of County Commissioners of Washoe County, State of Nevada, are hereby authorized to allow against Washoe County, Nevada, an additional sum of three thousand dollars, for the purpose of defraying the expenses of said litigation, such expenditure on the part of Washoe County to be allowed and paid as other claims against Washoe County are allowed and paid.

SEC. 2. This Act shall take effect from and after its passage. To take effect.

CHAP. XXXII.—An Act to amend an Act entitled "An Act regulating the hours of labor on all public and municipal works, and providing a penalty for violation thereof," approved March 9, 1903.

[Approved February 27, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2 of the above-entitled Act is hereby amended so as to read as follows:

Section 2. Any violation of the provisions of this Act shall be deemed a misdemeanor and shall subject the employee as well as the person or persons acting on behalf of the State, county or municipal government in the employment of such employee, to a fine of not less than ten dollars nor more than fifty dollars, and in case any contract is let for any State, county or municipal government work, the contractor or contractors violating the provisions hereof

Proviso.

shall be punished by a fine of not less than five dollars nor more than fifty dollars for each and every man so employed by such contractor or contractors, and in addition thereto such contract shall be forfeited and be null and void; *provided*, that nothing herein shall be so construed as to prevent the preservation or protection of property in cases of emergency.

CHAP. XXXIII.—*An Act to amend an Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved March 23, 1897.*

[Approved March 1, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and seventy-five of said Act is hereby amended so as to read as follows:

Who may contest escheats.

Section two hundred and seventy-five. All persons, bodies politic or corporate, named in such information as terrentants or claimants to such estate, may appear and plead to such proceedings, and may traverse or deny the facts stated in such information—the title of the State to the estate therein mentioned—at any time on or before the return day of the citation; and any other person claiming an interest in such estate may appear and be made a defendant, and plead as aforesaid, by motion for that purpose made in open court, within the time allowed for pleading as aforesaid; and if any person shall appear and plead as aforesaid, denying the title set up by the State, or traverse any material fact set forth in the information, or issue or issues of fact to be made up, the matter shall proceed as other civil actions on issues of fact, and a survey may be ordered as in other civil actions when the boundary is called into question; and after the issues are tried, if it shall appear from the facts that the State has a good title to the estate in the information mentioned, or any part thereof, or if no defense be made by anyone, judgment shall be rendered that the State be seized thereof, and recover costs of suit against the defendants, if any appear. Upon any judgment hereafter rendered, or that has heretofore been rendered by any court of competent jurisdiction, escheating real property to the State, on motion of the Attorney-General, or on motion of any executor or administrator having charge of such estate, the Court shall, or the Court may, upon its own motion, make an order that said real property be sold by the Sheriff of the county wherein the same is situated, at public sale, for gold coin, after giving such notice of the time and place of sale as is provided in cases of sale of property under execution; and the Sheriff shall, within ten days after such sale, make a report thereof to the Court, and upon the hearing of said report, the Court

Court may order public sale of realty.

may examine the said report and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value of the property sold, or if it appear that a sum exceeding such bid at least ten per cent, exclusive of the expenses of a new sale, may be obtained, the Court may vacate the sale and direct another sale to be had of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer of ten per cent more in amount than that named in the report be made to the Court in writing, by a responsible person, the Court may, in its discretion, accept such offer, and confirm the sale to such person, or order a new sale. If it appears to the Court that the sale was legally made and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a greater sum than ten per cent, exclusive of the expense of a new sale, cannot be obtained, or if the increased bid above mentioned be made and accepted by the Court, the Court must make an order confirming the sale, and directing the Sheriff, in the name of the State, to execute to the purchaser or purchasers, a conveyance of said property sold; and conveyance shall vest in the purchaser or purchasers all of the right and title of the State therein, and the Sheriff shall, out of the proceeds of such sale, pay the cost of said proceedings incurred on behalf of the State, including the expenses of making such sale, and also an attorney's fee, if additional counsel was employed in such proceedings, to be fixed by the Court, not exceeding fifteen per cent on the amount of such sale, and the residue thereof shall be paid by said Sheriff into the State Treasury. In all proceedings to recover estates which have vested in the State by escheat, whenever the same has been sold as provided in this section, the party adjudged entitled thereto, shall be entitled to the proceeds of such sale paid into the State Treasury, in lieu of the real property sold, and the Court shall decree accordingly.

CHAP. XXXIV.—An Act to provide for the building of a dining hall at the Nevada State University at Reno, Nevada.

[Approved March 1, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Regents of the State University is hereby authorized and directed to erect a building upon the University Campus at Reno to be known as the University Dining Hall.

SEC. 2. The University Dining Hall shall be used as a refectory or commons for the young women residing in Manzanita Hall and for the young men residing in Lincoln Hall.

Cost limited to \$6,000. SEC. 3. The building shall be of brick with stone foundation and shall not exceed in cost the sum of six thousand dollars, which sum is herewith appropriated.

Money taken from University Fund 90,000-Acre Grant, and bonds deposited. SEC. 4. The money hereby appropriated shall be taken from the University Fund, 90,000-Acre Grant, and, in its place, shall be deposited six bonds of the State of Nevada of one thousand dollars each, bearing interest at the rate of four per cent per annum; said bonds shall run for twenty years, but shall be redeemable by the State at its pleasure after five years. Said bonds shall be signed by the Governor and State Controller, countersigned by the State Treasurer, and authenticated with the Great Seal of the State; and each of these bonds shall State in substance that the State of Nevada owes the University Fund, 90,000-Acre Grant, one thousand dollars, the interest on which sum at four per cent per annum the State of Nevada agrees to pay during the life of said bonds for the benefit of the University of the State. Said bonds may be lithographed as is usual in similar cases and deposited with the State Treasurer. The interest on said bonds shall be paid semi-annually, on the first day of January and the first day of July of each year, on the written order of the State Board of Education to the State Controller directing him to draw his warrant for the amount of such semi-annual interest on the Contingent University Fund. All sums derived from the interest on said bonds shall be paid to the Interest Account, 90,000-Acre Grant, for the support of the University of the State and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

Faith of State pledged. SEC. 5. For the fiscal year beginning January first, nineteen hundred and five, and annually thereafter, such an annual tax shall be levied and included in and be a part of the annual tax levy for the Contingent University Fund, not exceeding one-eighth of one cent on each one hundred dollars, as may be necessary to pay the annual interest on said bonds and create a sinking fund for their redemption and payment at maturity; which tax, when collected, shall be held in said Contingent University Fund and applied only to the payment of said interest and bonds, as required by this Act.

CHAP. XXXV.—*An Act to supply the Town of Fallon, in Churchill County, with water for extinguishment of fire and for domestic and other purposes, and to define the boundaries of said town, and other matters relating thereto.*

[Approved March 1, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. That A. R. Jeffrey and Thomas Dolf, their successors in interest and assigns, are hereby granted a fran-

chise for, and shall have and possess the privilege of, supplying the Town of Fallon, in Churchill County, Nevada, and the inhabitants, residents and people of said town, with water for fire, domestic and general purposes.

SEC. 2. The boundaries of said Town of Fallon, for the purposes of this Act, shall include all territory which is now embraced within the settled portion thereof, or which may be embraced or included in any official map or maps, plat or plats of said town, or of any additions thereto, which may, at any time hereafter, be filed for record with the County Recorder of said Churchill County.

SEC. 3. That the franchise and privilege hereby granted to the said A. R. Jeffrey and Thomas Dolf, their successors in interest and assigns, shall include the privilege and right of way to excavate for, construct, place, maintain and operate a plant or system of water works, pipes, mains, hydrants, ditches, dams, aqueducts, bridges, flumes, tanks, reservoirs and works for the sale and distribution by said grantees, of water for domestic and irrigation purposes to the inhabitants of the Town of Fallon and vicinity, as well as for fire protection to said town, and that such franchise and right of way be granted and shall cover and apply to any and all streets, avenues, alleys and roads, and also to any and all lands belonging to the said Town of Fallon, or to the County of Churchill, and situate within or in the immediate vicinity of said Town of Fallon.

SEC. 4. Said franchise and right of way hereby granted shall continue and be in full force and effect for the period of fifty years from and after the date of granting the same, providing that nothing herein shall be so construed as affecting the right to revoke and declare said franchise forfeited for any willful failure on the part of the grantees to comply with the conditions hereof.

SEC. 5. That said franchise, right of way and all rights and privileges herein and hereby granted, shall extend to and cover any and all streets, avenues, roads or alleys in said Town of Fallon or immediate vicinity, as the same are now known or designated, laid out or established, and also, such other streets, avenues, roads or alleys as may hereafter at any time, be laid out, designated or established in said town or immediate vicinity, or as the successful and profitable prosecution of the said enterprise and business may warrant and the convenience and necessities of the general public may seem to require.

SEC. 6. That the pipes or mains for the carrying, conducting and distribution of water for the purposes aforesaid, may be extended from time to time, at such times and in such manner as conditions warrant and as the general welfare, convenience and necessities of the inhabitants of said town may require and as the said grantees may determine; provided, that if at any time, the inhabitants of any block or

district of said town, shall require water connections to be made with their block or district, and it shall further appear that the desired connections and necessary pipes and mains for that purpose can be had and laid, having due regard to the expense and probable receipts, and further, that a majority of the inhabitants of such block or district desire to make water connections with such pipes or mains, the said grantees shall thereupon proceed, with reasonable diligence, to lay such pipes and mains for such water connections, and failing to do which, within a reasonable time, such failure shall work a forfeiture of this franchise and right of way and all privileges hereunder, as to said block or district, and, also, to the streets and alleys around, about, in or through the same.

Certain
failures to
work to
forfeiture.

Ground to be
left in good
condition.

SEC. 7. The said grantees, after excavating for, or laying any pipes or mains as herein provided for, shall thereafter and as soon as practicable, at their own proper cost and expense, cover the same in such manner as to leave the surface smooth and level, and not to cause or create thereby or by any work, any rutholes or uneven spots or places on any of said streets, avenues, alleys or roads, and shall also and in like manner, when excavating for, or laying any pipes or mains, cause the same to be done at such times and in such way and manner as to minimize as far as possible any interference with or obstruction to the convenient use and travel over and upon such streets, avenues, alleys and roads.

Hydrants
must be
maintained.

SEC. 8. The said grantees shall at all times during the continuance hereof, and whenever duly requested so to do by resolution of the Board of County Commissioners of said Churchill County, acting for the use and benefit of said Town of Fallon, and as soon after the passage of such resolution as practicable, fix, establish and maintain hydrants connecting with mains in such place or places as may be designated or stated in such resolution; the compensation and payment for such hydrants and fire protection thereby to be fixed at such time, manner and amount as may be mutually agreed upon by the said grantees and the said Board of County Commissioners.

Conditions
upon which
franchise is
granted.

SEC. 9. This franchise and right of way and all rights and privileges hereby conferred, are granted on the condition that the said grantees shall commence the work of construction of said plant or water system, within six months from and after the date of the passage of this Act, and on the further condition that said grantees shall prosecute the work of construction of said plant or water system with reasonable diligence until said plant or water system shall be in a condition to afford and supply, with sufficient force of water, the necessary number of hydrants for adequate fire protection; the said hydrants to be fixed and established as hereinbefore provided.

SEC. 10. This franchise shall not be forfeited or in any-

wise or manner affected by any delay or failure of, or on the part of the said grantees to comply with the conditions hereof, when it shall appear that such delay or failure was caused by strikes, the elements, act of God, or any unforeseen or unavoidable cause or causes.

SEC. 11. This franchise, right of way and all rights, privileges or easements hereby granted or conferred, together with all terms and conditions imposed on the use and enjoyment of the same, shall inure and apply to the said grantees, their associates, successors in interest and assigns.

CHAP. XXXVI.—An Act to authorize and require the Board of County Commissioners of Humboldt County, State of Nevada, to issue bonds on the property of the Town of Lovelock, in said county, for protection against fire, and matters relating thereto.

[Approved March 1, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of providing protection against fire in the Town of Lovelock, the Board of County Commissioners of Humboldt County, State of Nevada, is hereby authorized and required to, within thirty (30) days from and after the approval of this Act, issue bonds for a sum not exceeding twelve thousand (\$12,000) dollars, in United States gold coin, none of which said bonds shall be issued for a period longer than fifteen (15) years from the date thereof.

SEC. 2. Said bonds shall be issued for sums not less than one hundred (\$100) dollars each, shall be numbered consecutively and shall bear interest at a rate not to exceed six per centum per annum, which said interest shall be payable annually at such annual date as the Board of County Commissioners shall fix at the time of issuing said bonds, the coupons for such payment of interest to be attached to each of said bonds, said coupons to be numbered consecutively and signed by the Chairman of the said Board and the County Treasurer. Said bonds shall purport that there is due the holder thereof from the County of Humboldt, State of Nevada, a sum of money to be expressed therein.

SEC. 3. The principal of said bonds shall be made payable as follows: Eight hundred (\$800) dollars of said bonds shall be made payable January first, A. D. one thousand nine hundred and six (1906), and the remainder shall be made payable in annual payments of eight hundred (\$800) dollars thereafter, none of which bonds shall run for a period longer than fifteen (15) years from the date thereof.

SEC. 4. The bonds and coupons herein provided for shall

Bonds
signed by
whom.

be signed by the Chairman of the Board of County Commissioners and the County Treasurer, countersigned by the County Clerk and authenticated with the county seal of said Humboldt County.

Lovelock
Fire Depart-
ment Fund.

SEC. 5. Said bonds shall be sold at not less than their par value, and all moneys received from the sales thereof shall be paid into the county treasury, and the County Treasurer of Humboldt County is hereby required to receive and safely keep the same in a fund to be known as the "Lovelock Fire Department Fund," and to pay out said money only on warrants properly authenticated by the County Auditor, upon bills duly allowed by the Board of County Commissioners. The County Treasurer shall be liable on his official bond for the safe keeping of said moneys which shall come into his hands and for the faithful discharge of his duties in relation thereto.

Treasurer
liable.

Boundaries
of Lovelock
defined.

SEC. 6. The boundaries of said Town of Lovelock for the purposes of this Act shall be, and are hereby made, the same as define the boundaries of said town and the town site of Lovelock, as shown on the map and plat of said town or town site last adopted and approved by the Board of County Commissioners and on file and of record in the office of the County Recorder of said Humboldt County, Nevada.

Additional
tax levy
authorized.

SEC. 7. For the purpose of providing for the payment of the interest upon said bonds, the Board of County Commissioners of said Humboldt County, Nevada, are hereby authorized and specifically required, at the time of the annual levy of taxes for State and county purposes for the year nineteen hundred five (1905), and annually thereafter, until all of said bonds are redeemed and canceled, to levy upon the property of said Town of Lovelock such tax as in their judgment will, for the year nineteen hundred five (1905) and for each year thereafter, produce the amount of money necessary to pay the interest on said bonds, as herein provided. The taxes so levied shall be assessed and collected in the manner of the assessment and collection of other taxes; shall be paid into the county treasury and kept by the Treasurer in a fund to be known as the "Lovelock Fire Department Interest Fund," and the money in said fund shall be disbursed by the Treasurer in payment of the interest upon said bonds as the same becomes due, upon presentation and surrender by the holder of the coupons therefor.

Lovelock
Fire Depart-
ment Inter-
est Fund.

Providing
for payment
of bonds.

SEC. 8. For the purpose of providing for the payment of the bonds hereby authorized and required to be issued, the Board of County Commissioners of Humboldt County is hereby authorized and specifically required, at the time of the annual levy of taxes for the year nineteen hundred five (1905), and annually thereafter until all of said bonds are redeemed and canceled, to levy upon the property of said Town of Lovelock a tax sufficient to raise the sum of eight hundred (\$800) dollars for the year nineteen hundred five

(1905) and for each year thereafter, sufficient to pay the principal of said bonds, issued under the provisions of this Act, which will become due during the next ensuing year. The taxes so levied shall be assessed and collected as other taxes are assessed and collected, shall be paid into the county treasury and by the County Treasurer assigned to the General Fund of said Humboldt County. At the maturity of said bonds they shall be paid by the County Treasurer out of the said General Fund of said county, upon the presentation and surrender of said bonds. If the tax so as aforesaid levied for the interest on, and the redemption of, said bonds should exceed the sum of eight hundred (\$800) dollars a year, whenever the aggregate amount of money collected shall equal the full sum necessary to redeem all of said bonds outstanding and unredeemed, the tax hereby authorized for said purpose shall cease, and, should there be any excess over and above the amount necessary for the redemption of all unredeemed bonds and the payment of all interest thereon, the amount of such excess shall remain in or be transferred to the said "Lovelock Fire Department Fund," to be used for the purpose of maintaining the system of fire protection authorized by this Act to be installed. Should the amount of said tax realized up to and including the year nineteen hundred twenty (1920) be less than the amount necessary for the redemption of all outstanding and unredeemed bonds, and the payment of the interest accrued thereon, they shall nevertheless be redeemed and paid out of the General Fund as herein provided, and a special tax shall be levied by the Board of County Commissioners upon the property within said Town of Lovelock for the year nineteen hundred twenty-one (1921) sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the usual manner and paid into the General Fund of said Humboldt County.

SEC. 9. The County Clerk shall keep a record of all proceedings under the provisions of this Act, showing the number and date of each bond, and to whom issued.

SEC. 10. Whenever the County Treasurer shall pay any of the bonds authorized by this Act, or the coupons for interest thereon, he shall cancel the same by writing across the face thereof the word "Paid," together with the date of such payment, sign his name thereto and file the same in his office. The interest on the bonds authorized to be issued by this Act shall cease to run whenever the bonds, by the terms thereof, become due and payable; *provided*, that, at the time such bonds become due and payable, there are funds on hand to meet the payment thereof.

SEC. 11. The Board of County Commissioners of Humboldt County are hereby authorized and required to, as soon as the bonds authorized by this Act have been disposed of and the money from the sale thereof deposited in the said "Lovelock Fire Department Fund," secure the services of a

Providing
for payment
of bonds.

Clerk to
keep record.

Treasurer to
cancel
coupons or
bonds.

Interest to
cease.

Proviso.

Commissioners to
engage
engineer.

Compensa-
tion.

competent engineer, whose compensation shall not exceed the sum of two hundred fifty (\$250) dollars, and who shall, forthwith upon his being engaged, proceed to plan and map the fire system to be installed in said Town of Lovelock, which system shall cover and include all the property included in said town according to the map thereof referred to in section six of this Act, with full and complete and detailed specifications therefor, including the size of the main and lateral water pipes, the hydrants and hose, the number of feet and size of pipe required, the depth to which same must be laid, the character and kind of pipe to be used, the number and character of fire plugs or hydrants to be installed, the size and kind of all buildings required for properly housing the power plant of said system to protect same against freezing and the weather, the number of feet of hose and the character and number of hose carts to be provided, and all other items and specifications appurtenant to a fully equipped and efficient fire system for said town, or necessary for properly completing the same. Upon the filing by said engineer of said plans, maps and specifications, and the acceptance of same by said Board, said engineer's claim for services shall be allowed in the same manner as claims against the county are allowed, and shall be paid out of said "Lovelock Fire Department Fund."

Commis-
sioners to
advertise for
proposals.

Various
provisos.

SEC. 12. Upon the filing with the Board of County Commissioners as aforesaid of said plans and specifications, said Board shall immediately advertise, in some newspaper published in Humboldt County, Nevada, in some newspaper published in the City of San Francisco, California, and by giving or sending out such other written notices as it may deem advisable, for sealed proposals for the installation of said fire plant and system according to the plans and specifications furnished by said engineer as provided in Section 11; *provided*, that said Board may, before advertising as aforesaid for proposals, alter said plans and specifications in such manner as may in its judgment be necessary for the proper and complete installation and the efficient equipment of said fire plant and system. Such advertisement shall run for a period not to exceed three weeks, at the expiration of which said Board shall proceed to open said proposals, and shall award the contract for the installation of said system to the lowest and best bidder; *provided*, that said Board may reject any and all bids; and *provided further*, that no bid shall be considered and no contract awarded for an amount exceeding eleven thousand (\$11,000) dollars. If no contract be awarded after the first advertisement as aforesaid, said Board shall immediately proceed to readvertise for bids, in the manner above provided, making, if necessary, such alterations in the plans and specifications provided as may reduce the cost but not impair the ultimate efficiency of the plant and system, and shall continue to so advertise until proposals are received

that come within the provisions of this Act; *provided*, that no advertisement shall run for a period exceeding three weeks. The bidder to whom any contract is let under the provisions of this Act shall, before said contract is executed to him, enter into a bond to the County of Humboldt, State of Nevada, in the sum of five thousand (\$5,000) dollars conditioned for the faithful and honest carrying out of said contract in compliance with all the provisions thereof, which said bond must be approved by said Board of County Commissioners.

SEC. 13. Upon the completion of said contract, and upon the formal acceptance of the work and the system by the Board of County Commissioners, which acceptance shall be made only after a fair and thorough trial and test of the plant and system upon its completion, the claim of the contractor shall be allowed, approved and audited in the same manner as claims against the county are allowed, approved and audited, and shall be paid by the Treasurer out of the moneys in the "Lovelock Fire Department Fund"; *provided*, *Proviso*. that said claim shall not be allowed or paid for a sum exceeding eleven thousand (\$11,000) dollars.

SEC. 14. If, after the completion and acceptance of said plant and system and the payment therefor, there remain anything to be furnished said system to fully equip the same for immediate use, said Board of County Commissioners shall immediately furnish such items of equipment as may be necessary, the cost of same to be paid out of said "Lovelock Fire Department Fund," and the claims therefor to be allowed, audited and paid as claims against the county are allowed, audited and paid.

SEC. 15. If, after the full completion and equipment of said plant and system, there remain any moneys in said "Lovelock Fire Department Fund," seventy-five (75) per centum of the moneys so remaining shall be transferred to the General Fund of said Humboldt County, and the amount so transferred shall be applied to the redemption of bonds authorized by this Act to be issued; and the other twenty-five (25) per centum so remaining in said fund shall be retained therein for the maintenance of said system.

SEC. 16. The expense of preparing and issuing the bonds provided for by this Act shall be paid out of the General Fund of Humboldt County, and, after the sale of said bonds, an amount sufficient to reimburse said General Fund shall be transferred thereto from said "Lovelock Fire Department Fund."

SEC. 17. The faith of the State of Nevada is hereby pledged that this Act shall not be repealed, nor taxation thereby imposed omitted, until all the bonds and coupons issued under and by virtue hereof shall have been paid in full.

CHAP. XXXVII.—An Act to authorize the Trustees of Goldfield School District No. 4, of the Town of Goldfield, Esmeralda County, Nevada, to issue bonds for school purposes.

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Goldfield
School Trus-
tees author-
ized to issue
\$10,000 bonds.

Denomina-
tion.

Interest not
exceeding 7
per cent.

Trustees
authorized
to purchase
land and
erect
buildings.

Officers to
sign bonds,
etc.

Moneys to be
paid into
county
treasury.

Treasurer
liable.

Additional
tax
authorized.

SECTION 1. The Board of School Trustees of Goldfield School District Number 4 of the Town of Goldfield, Esmeralda County, State of Nevada, are hereby authorized to issue bonds for a sum not exceeding ten thousand dollars in United States gold coin, none of which bonds shall run for a period longer than ten years from the date thereof.

SEC. 2. Said bonds shall be issued for sums not less than one hundred dollars each, payable in gold coin, and shall bear interest at a rate not exceeding seven per cent per annum, payable annually; they shall be payable to bearer and coupons for each installment of interest shall be attached to each bond.

SEC. 3. The said Board of Trustees are hereby authorized to purchase a suitable plot of ground in said Town of Goldfield, centrally and conveniently located, and build thereon a school house with the necessary and proper outhouses and appurtenances, the aggregate cost of said land, building and other improvements not to exceed the sum of ten thousand dollars, and the said Board of Trustees shall immediately proceed to issue the bonds herein provided for, and when the same are disposed of shall proceed, with due diligence to purchase said land, erect said building and make said improvements in accordance with the provisions of this Act.

SEC. 4. The bonds and coupons herein provided for shall be signed by the Chairman and Clerk of the Board of Trustees of said Goldfield School District and countersigned by the County Treasurer of said Esmeralda County.

SEC. 5. All moneys received from the sale of said bonds shall be paid into the county treasury and the County Treasurer is hereby required to receive and safely keep the same in a fund to be known as the "Goldfield School District Number Four Building Fund," and to pay out said moneys only on warrants signed by the Chairman and Clerk of said Board of School Trustees, and duly allowed by the Board of County Commissioners of said Esmeralda County. The County Treasurer shall be liable on his official bond for the safe keeping of said moneys which shall come into his hands, and for the faithful discharge of his duties in relation thereto.

SEC. 6. For the purpose of providing for the payment of the interest upon said bonds, the Board of County Commissioners of said Esmeralda County are hereby authorized and required, on the first Monday in March, nineteen hundred and five, and annually thereafter, at the time of the annual levy to

[of] taxes for State and county purposes, to levy upon the property situated within said school district, and including the net proceeds of mines, such an additional tax as in their judgment will produce the amount of money necessary to pay the interest upon said bonds, as herein provided. The taxes so levied shall be assessed and collected in the manner of the assessment and collection of other taxes, and shall be paid into the county treasury and kept by the Treasurer in a fund to be known as the "Goldfield School District Number Four Interest Fund," and the moneys in said fund shall be disbursed by said Treasurer in payment of the interest on said bonds as the same becomes due upon presentation and surrender by the holder of the coupons therefor.

Goldfield
School
District No. 4
Interest
Fund.

SEC. 7. To provide for the payment of the bonds herein authorized to be issued, the said Board of County Commissioners shall on the first Monday in March in the year nineteen hundred and five, and annually thereafter, at the time of levying taxes for State and county purposes, and in the same manner, levy a special and additional tax upon all the property situated within the said Goldfield School District Number Four, including the net proceeds of mines, sufficient in their judgment to raise the sum of one thousand dollars each year, which shall be assessed and collected in the same manner that other taxes are assessed and collected, and the same shall be paid to the County Treasurer of said Esmeralda County and by him apportioned and assigned to the General Fund of said county. At the maturity of said bonds, they shall be paid by the County Treasurer out of the General Fund of the said county, upon the presentation and surrender of said bonds. If the tax so as aforesaid levied for the redemption of said bonds should exceed the sum of one thousand dollars a year, whenever the aggregate amount of money so collected shall equal the full sum necessary to redeem said bonds, the tax hereby authorized for such purpose shall cease, and should there be any excess, over and above the sum of ten thousand dollars, the amount of such excess shall be transferred to the School Fund of said district. Should the amount of said tax realized up to and including the year nineteen hundred and fifteen be less than the amount necessary for the redemption of said bonds, they shall, nevertheless, be redeemed and paid out of the said General Fund as herein provided, and a special tax shall be levied by the said Board of County Commissioners upon the property situated within the said school district for the year nineteen hundred and sixteen, sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the manner of the assessment and collection of other taxes, including the net proceeds of mines, and paid into the General Fund of said county.

Providing
for payment
of bonds.

Tax to
cease, when.

CHAP. XXXVIII.—*An Act to provide for the building and equipment of a Mining and Metallurgical Laboratory at the Nevada State University at Reno, Nevada.*

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Mining
and Metal-
lurgical
Laboratory
authorized.

Cost limited
to \$7,000.

Equipments
not to
exceed
\$9,000 in cost.

Appropria-
tion.

State bonds
at 4 per cent.

Signed by
State
officers.

Interest.

To go into
General
Fund.

SECTION 1. The Board of Regents of the State University is hereby authorized and directed to construct and equip a suitable building upon the University Campus at Reno, to be known as a Mining and Metallurgical Laboratory, and to be used for instruction and research in mining, assaying, and metallurgy.

SEC. 2. The building shall be of brick with stone foundation and shall not exceed in cost the sum of seven thousand dollars.

SEC. 3. The equipment of said Mining and Metallurgical Laboratory with all the necessary mining and metallurgical machinery and with the needed appliances and apparatus for instruction and practical work in mining, assaying, and metallurgy shall not exceed the sum of nine thousand dollars.

SEC. 4. The sum of sixteen thousand dollars (seven thousand dollars of which are for the building and nine thousand dollars for the machinery and appliances) is hereby appropriated.

SEC. 5. The money hereby appropriated shall be taken from the State School Fund and, in its place, shall be deposited sixteen bonds of the State of Nevada of one thousand dollars each, bearing interest at the rate of four per cent per annum; said bonds shall run for twenty years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor and State Controller, countersigned by the State Treasurer, and authenticated with the Great Seal of the State; and each of these bonds shall state in substance that the State of Nevada owes its State School Fund one thousand dollars, the interest on which sum at four per cent per annum the State of Nevada agrees to pay during the life of said bonds for the benefit of the common schools of the State. Said bonds may be lithographed as is usual in similar cases and deposited with the State Treasurer. The interest on said bonds shall be paid semi-annually, on the first day of January, and the first day of July of each year, on the written order of the State Board of Education to the State Controller, directing him to draw his warrant for the amount of such semi-annual interest on the Contingent University Fund. All sums derived from the interest on said bonds shall be paid into the General School Fund for the support of the common schools of the State and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

SEC. 6. For the fiscal year beginning January first, nineteen hundred and five, and annually thereafter, such an annual tax shall be levied and included in and be a part of the annual tax levy for the Contingent University Fund, not exceeding three-eighths of one cent on each one hundred dollars, as may be necessary to pay the annual interest on said bonds and create a sinking fund for their redemption and payment at maturity, which tax, when collected, shall be held in said Contingent University Fund and applied only to the payment of said interest and bonds, as required by this Act.

CHAP. XXXIX.—*An Act to establish an Agricultural Experiment Farm in the southeastern part of this State and making an appropriation therefor.*

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Agricultural Experiment Farm for the purpose of making experiments and diffusing information in agriculture, horticulture and gardening in the semi-tropical part of this State is hereby established in the southeastern part of this State, the same to be located as hereinafter provided.

SEC. 2. A commission of three persons is hereby created, to be appointed by the Governor, whose duty it shall be, within four months after the approval of this Act, to visit the southeastern part of this State situated in the semi-tropical region and select a site for the location of said Agricultural Experiment Farm. Said commission shall serve without compensation, but they shall have their actual expenses, and the same shall be paid when approved by the State Board of Examiners.

SEC. 3. The said commission, or a majority thereof, shall have full power to select the site for said farm, and, when so selected, they shall certify the same to the Governor of the State. Any vacancy that may occur in said commission shall be filled by the Governor.

SEC. 4. As a condition to the location of said Agricultural Experiment Farm, the county in which said commission shall decide to locate the same shall vest in the State a good and sufficient title to the land, with good and adequate water right for the successful operation of said Agricultural Experiment Farm. Upon the acceptance by the Governor of the State of the title to said land, said title to be approved by the Attorney-General, the State shall establish at such place an Agricultural Experiment Farm, to be under the control and management of the Board of Control of the Nevada Agricultural Experiment Association.

Appropriation of
\$10,000.

SEC. 5. For the purpose of maintaining said Agricultural Experiment Farm for the years 1905 and 1906, and for the erection of suitable buildings upon the land to be given as provided in section four of this Act, the sum of ten thousand dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, and the State Controller is hereby directed to draw his warrant upon the State Treasurer in favor of the claimants under this appropriation when their claims have been approved by the Director of the Station, by the Board of Control and by the State Board of Examiners.

CHAP. XL.—*An Act to prevent the destruction of gravestones, monuments, vaults, and other cemetery property, and to prevent the pasturing of live stock within any enclosed private or public cemetery.*

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Desecration
of cemeteries
a mis-
demeanor.

Penalty.

Repeal.

SECTION 1. Any person or persons who shall willfully, unlawfully, and maliciously break, destroy or injure in any manner, any monument, gravestone, curbing or vault in any enclosed private or public cemetery, or who shall pasture or caused to be pastured, any live stock of any description within the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not exceeding three hundred dollars, or imprisoned in the county jail for a term not exceeding six months or by both such fine and imprisonment.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. XLI.—*An Act to authorize the School Trustees of School District No. 29, in the Town of Sparks, Washoe County, Nevada, to acquire, by purchase or gift, a school-house site, and to erect school buildings and make other improvements thereon; and to issue and sell bonds for said, and other, school purposes, and to provide for the payment of the said bonds, with interest, and other matters.*

[Approved March 7, 1905.]

Preamble.

WHEREAS, The proposition of bonding Sparks School District No. 29, in Washoe County, Nevada, in the sum of thirty-five thousand (\$35,000) dollars for school purposes, was, on the 23d day of May, 1904, duly submitted to the qualified electors of the said district; and

WHEREAS, The vote thereon was unanimously in the affirmative; therefore

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of School District No. 29, in the Town of Sparks, Washoe County, Nevada, is hereby authorized to issue bonds on the faith and credit of the said School District for a sum not to exceed thirty-five thousand (\$35,000) dollars, in United States gold coin, none of which bonds shall run for a period longer than twenty-five (25) years from the first day of July, 1905.

SEC. 2. Each of said bonds shall be issued in the amount of one thousand (\$1,000) dollars, payable in gold coin, and shall be sold at not less than its par value, and shall bear interest from, but not before, the first day of July, 1905, at a rate not to exceed five per centum per annum, payable semi-annually on the first days of January and July in each and every year until its maturity. No bond shall bear interest after maturity. Each of the said bonds shall be payable to bearer, and coupons shall be attached to each bond for each installment of interest to accrue on such bond. The said bonds shall be numbered consecutively from one to thirty-five, and the bond numbered one shall be made redeemable on the first day of July, 1908, and two bonds shall be made redeemable on the first day of July in each and every year thereafter, according to the numerical order of said bonds, up to and including the year 1925.

SEC. 3. The bonds and coupons herein provided for shall be signed by the Chairman and Clerk of the said Board of Trustees, and countersigned by the County Treasurer of Washoe County.

SEC. 4. All moneys received from the sale of the said bonds shall be paid into the county treasury of Washoe County, and the County Treasurer of Washoe County is hereby required to receive and safely keep the said moneys in a fund to be known as The School District No. 29 Building Fund, and to pay out the said moneys only on warrants duly signed by the said Board of Trustees and approved by the County Superintendent of Schools of Washoe County. The County Treasurer shall be liable, on his official bond, for the safe keeping of the said moneys which shall come into his hands under the provisions of this Act, and for the faithful discharge of his duties in relation thereto.

SEC. 5. To provide for the payment of interest upon the bonds herein authorized to be issued, the Board of County Commissioners of said Washoe County is hereby authorized and directed, in the year 1905, and annually thereafter to and including the year 1925, at each time in each of said years when the regular annual levy of taxes for State and county purposes is made, to levy, upon all the property situate

Sparks
School
Trustees
authorized
to issue
\$35,000 bonds,
not to run
longer than
25 years.

Denomina-
tion.

Interest not
over 5 per
cent

School
District No.
29 Building
Fund.

Treasurer
liable.

Providing
for payment
of interest.

within the said School District No. 29, a special and additional tax in an amount sufficient in the judgment of the said Board to produce such an amount of money as may be required for the payment of all unpaid interest accrued upon all the said bonds at any time, and of all interest to accrue upon all the said bonds for the current year.

SEC. 6. To provide for the payment of the principal of the said bonds herein authorized to be issued, the said Board of County Commissioners is hereby authorized and directed, in the year 1908, and annually thereafter, to and including the year 1925, at each time in each of said years when the regular annual levy of taxes for State and county purposes is made, to levy a special and additional tax upon all the property situate within the said School District No. 29. The special and additional tax to be levied as aforesaid for the year 1908 shall be in an amount sufficient in the judgment of the said Board of County Commissioners to produce in cash the sum of one thousand (\$1,000) dollars, and each of the special and additional taxes to be levied annually thereafter as aforesaid shall be in an amount sufficient in the judgment of the said Board to produce in cash the sum of two thousand (\$2,000) dollars.

SEC. 7. All the special and additional taxes to be levied as hereinabove provided for the payment of interest upon the bonds herein authorized, and for the payment of the principal of the said bonds, shall be assessed and collected in the same manner as that in which taxes for State and county purposes are assessed and collected, and shall be paid to the County Treasurer, who shall keep the moneys so collected in the county treasury in a fund to be known as The School District No. 29 Interest and Redemption Fund. The said Treasurer shall pay, out of the said fund, both the interest upon the said bonds, as the said interest becomes due, upon due presentation and surrender by each holder of his or her matured interest coupon or coupons, and the principal of the said bonds, as the principal of each bond becomes due upon the maturity of such bond, when such bond is duly presented and surrendered by the holder thereof.

SEC. 8. If the amount of money which shall be accumulated, as hereinabove provided in the said Interest and Redemption Fund, shall be, at any time, in excess of the amount of money necessary for the redemption of all of the said bonds, including all of the interest at any time to accrue on all the said bonds, the special and additional taxes hereinabove authorized shall not afterwards be levied, and the amount of such excess shall be transferred by the County Treasurer to the credit of the School Fund of said District No. 29. If the amount of money which shall be accumulated as hereinabove provided in the said Interest and Redemption Fund shall be, at any time, insufficient for the payment of any matured and duly presented and surrendered interest coupon,

For payment
of principal.

Additional
tax.

School
District No.
29 interest
and Redemp-
tion Fund.

Tax to cease,
when.

or for the payment of the principal of any matured and duly presented and surrendered bond, such coupon or bond shall nevertheless be paid by the County Treasurer out of the General Fund of Washoe County, and the aggregate amount of all the coupons and bonds so paid shall be repaid into the said General Fund by a special and additional tax which shall be levied for that purpose upon all the property situate within the said School District No. 29, at the time of the next levy of taxes for State and county purposes, and which shall be assessed and collected in the same manner as that in which the said taxes for State and county purposes are assessed and collected.

To be paid
out of County
General
Fund, when.

SEC. 9. The said Board of Trustees is hereby authorized to purchase a school-house site in the said Town of Sparks, or to receive by gift or donation such lands as may be desired by them for such school-house site, and to build thereon a school building or buildings, with necessary and proper outhouses and appurtenances, and to furnish the same, the aggregate cost of said land, if purchased, buildings, furnishings, and other improvements not to exceed the sum of thirty-five thousand (\$35,000) dollars; or, if the said land be acquired by gift, the aggregate cost of said buildings, furnishings, and other improvements not to exceed the said sum of thirty-five thousand (\$35,000) dollars.

Trustees
authorized
to purchase
land, or
receive gift
of same

Cost limited
to \$35,000.

SEC. 10. The said Board of Trustees shall immediately proceed to issue the bonds herein provided for. The said Board shall advertise that it will receive sealed proposals for the purchase of the said bonds, which advertisement shall be published for at least thirty days in at least one newspaper published in Washoe County, Nevada; and the said Board may sell the said bonds, after due publication of the said advertisement for the said period, only to the highest bidder or bidders therefor. The said Board may, in its discretion, advertise the said bonds as aforesaid in newspapers published without the said Washoe County, but no advertisement shall be published in any one newspaper published without the said county for a period longer than thirty days. When the said bonds shall have been sold, and when the proceeds of such sale shall have been paid into the county treasury of Washoe County as hereinabove provided, the said Board shall proceed with due diligence to purchase a school-house site, if the same shall not have been before then acquired by gift, and to erect thereon the school buildings and improvements hereinabove provided for. The said Board of Trustees is hereby authorized to employ a competent architect to supervise the construction of the said buildings, and to pay such supervising architect, for his full services during such construction period, a sum not to exceed one and one-half ($1\frac{1}{2}$) per centum of the estimated cost of construction of the said buildings, but no person shall be employed as supervising architect who is related to, or connected in

Trustees
shall issue
bonds
immediately
and adver-
tise sale of
same.

Supervising
architect.

Compensa-
tion limited.

business with, any member of the said Board of Trustees, the contractor, or the builder.

Liberally construed. SEC. 11. The provisions of this Act shall be liberally construed.

CHAP. XLII.—*An Act to create a County Board of Health in each of the several counties of the State of Nevada.*

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each of the several counties of the State of Nevada shall establish [establish] a County Board of Health to consist of the County Physician, the Sheriff and Board of County Commissioners of said county, and the County Physician to act as Chairman of said Board.

Composition. SEC. 2. It shall be the duty of the said County Board of Health to oversee all sanitary conditions of the respective county in which the Board is created, and to supervise, control and enforce such health regulations as will best subserve the health and cleanliness of their respective counties. Said Board shall act in conjunction with, and under the supervision of the State Board of Health; *provided, however,* that in cases of emergency, possibly [possible] contagion or those demanding speedy and immediate attention the said Board may act independently, and shall report at once to the State Board of Health.

Duties of said Board. And any person, firm, association, or corporation, refusing or neglecting, within five days after having been duly notified in writing, to comply with the requirements of such regulations, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment.

Proviso. SEC. 3. This Act shall go into effect immediately upon its passage.

Penalty for non-compliance with mandates of Board. **CHAP. XLIII.—*An Act to amend an Act entitled an Act to amend an Act entitled "An Act to provide for uniform examinations for teachers' certificates and other matters properly connected therewith," approved March 6, 1893, approved February 18, 1895.***

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended to read as follows:

Section one. Examinations for teachers' certificates in this State shall be held in the several counties semi-annually, beginning on the second Monday in January and July and continuing not more than four days at any one examination; provided, that the interest of the schools in any county requires such examinations. Examinations shall not be held at other times than are herein specified, except with the consent and authorization of the State Board of Education.

CHAP. XLIV.—An Act to provide for the purchase of a chemical fire extinguisher at the Nevada State University at Reno, Nevada, and making an appropriation therefor.

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Regents of the State University is hereby authorized and directed to purchase a chemical fire extinguisher with cart, hose and other necessary apparatus for the better protection of the University buildings against fire.

SEC. 2. The sum of six hundred and seventy-five dollars is hereby appropriated out of the money in the General Fund of the State Treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act.

SEC. 3. When the Regents of the University and the State Board of Examiners shall have approved the claims upon this appropriation, the State Controller shall draw his warrants for allowances made under the provisions of this Act and the State Treasurer shall pay the same.

CHAP. XLV.—An Act to amend Section 3 of an Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March 20, 1865.

[Approved March 2, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of an Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March 20, 1865, is hereby amended so as to read as follows:

Section 3. The School Census Marshal's report must be made before the Clerk of the Board of School Trustees of the school district for which said School Census Marshal is

appointed, upon blanks furnished by the Superintendent of Public Instruction, and must show:

What report must show. First—The number, age, sex, color, and nationality of the children listed.

Second—The name of the parents or guardians of said children.

Third—Such other facts as the Superintendent of Public Instruction may designate.

Oath. Fourth—The Census Marshal shall have power to administer oath to parents or guardians.

New report, when. Fifth—If at any time the County Superintendent has reason to believe that a correct report has not been returned, he may appoint a Census Marshal, have the census retaken, and the compensation for the same shall be audited by the County Commissioners, and paid out of the County General Fund.

Report must be approved. Sixth—Said report must be approved by the Clerk of the Board of Trustees of the school district for which said School Census Marshal is appointed, before the same is sent to the County Superintendent of Schools.

CHAP. XLVI.—*An Act amendatory of and supplemental to an Act entitled "An Act providing for the coöperation of the State of Nevada with the Secretary of the Interior of the United States in the construction and administration of irrigation works for the reclamation of arid lands in the State of Nevada, for the measurement, appropriation and distribution of water, determination of water rights, preserving and certifying records thereof, creating officers for the enforcement hereof, defining the tenure of office, powers and duties and fixing their compensation; providing for penalties for infringements hereof, and enacting a standard measure of water, and conferring upon the Secretary of the Interior such rights and powers under the laws of Nevada as are necessary to enable him to carry out and execute an Act of the Congress of the United States, approved June 17, 1902, entitled 'An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories, to the construction of irrigation works for the reclamation of arid lands,'"* approved February 16, 1903.

[Approved March 1, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2 of said Act is hereby repealed.

SEC. 2. Section 18 of said Act is hereby amended so as to read as follows:

State to be divided into water districts. Section 18. The said Board of Irrigation shall divide the State of Nevada into such water divisions or water districts as seem to it advisable, and may change the same from time

to time. It may appoint Water Commissioners, whose duty it shall be to measure and divide amongst the appropriators the water of such streams according to priority of right and the amount to which each is entitled. It may make such rules and regulations as to it shall seem advisable for the proper and economical administration of the waters of such streams and may fix penalties for the violation of such rules and regulations.

SEC. 3. Six new sections are hereby added to said Act ^{New section added to irrigation law.} which shall be known as section twenty-three, section twenty-four, section twenty-five, section twenty-six, section twenty-seven, and section twenty-eight; and section twenty-nine of said Act shall be known and numbered section twenty-nine:

Section twenty-three. Any person, association or corporation desiring to appropriate any of the public waters shall before performing any work in connection with such appropriation make an application to the State Engineer for permission to make the same. Said application shall set forth the name and postoffice address of the applicant, the source from which said appropriation shall be made, the amount thereof, location of proposed works in connection therewith, the time required for their completion, said time to include the period required for construction of ditches or other works and the time at which the application of the water to beneficial use shall be made, which time shall be limited to that required for completion of the work when prosecuted with diligence, the purpose for which the appropriation is desired, and if for irrigation a description of the land to be irrigated and the area thereof, and any additional facts required by the State Engineer. On receipt of this application, which ^{Duties of State Engineer.} shall be of a form prescribed by the State Engineer and to be furnished by him without cost to the applicant, it shall be his duty to make a record thereof in his office, and to carefully examine the same to ascertain whether it sets forth all facts necessary to determine the nature and amount of the proposed appropriation. If the application be defective it shall be the duty of the State Engineer to return the same to the applicant for correction, and sixty days shall be allowed for the resubmission thereof. If resubmitted, corrected in proper form, within such time, the application shall, upon being accepted, take priority as of date of original filing, subject to compliance with the further provisions of the law and the regulations thereunder.

Section twenty-four. If not corrected as required, no further proceedings shall be had on such application, but when filed in compliance with this Act, the State Engineer shall at once at the expense of the applicant, to be paid in advance, publish in some newspaper having a general circulation within the boundaries of the river system or water system or water source from which said appropriation is to be made, a

^{Application rejected, when.}

^{State Engineer to advertise.}

Interested parties may file protest with State Engineer.

Engineer to approve appropriation, when.

Proviso.

Aggrieved applicant may bring action.

Engineer to refuse appropriation, when.

Applicant must furnish map.

Engineer to issue certificate.

notice of the application, showing by whom made; the quantity of water sought to be appropriated; the stream from which the appropriation is to be made, and at what point on the stream; the use for which it is to be appropriated, and by what means; which notice shall be published once a week for four weeks. Any person, corporation or association interested may, at any time within thirty days after completion of the publication of said notice, file with the State Engineer a written protest against the granting of said application, stating the reasons therefor, which shall be duly considered by said Engineer. He may, in his discretion, hear evidence in support of or against such application, and shall take such action thereon as he may deem proper and just.

Section twenty-five. If there is unappropriated water in the source of supply named and the appropriation is not detrimental to the public welfare, the State Engineer shall approve the same by endorsement thereon, shall make a record of such endorsement in his office and return the same so endorsed to the applicant, who shall on receipt thereof, be authorized to take such measures as may be necessary to perfect such appropriation; *provided, however,* that the State Engineer may approve an application for a less amount of water or a shorter period of time for perfecting the appropriation than that named in the application; *and provided further,* that an applicant feeling himself aggrieved by the endorsement made upon his application may bring action in any court having jurisdiction against the State Engineer to compel him to modify such endorsement. Such action must be brought within sixty days after date of the endorsement complained of. If there is no unappropriated water in the source of supply the State Engineer shall refuse such appropriation and the party making the application shall not prosecute work in connection therewith so long as such refusal shall be in force, under penalty of being deemed guilty of, and punished for, misdemeanor.

Section twenty-six. Upon approval of an application the applicant shall send to the State Engineer within six months thereafter a map on a scale of not less than two inches to the mile, showing the location of the works necessary to perfect the appropriation, the source of appropriation and if for irrigation, the land upon which the water is to be applied, which map shall be filed in his office.

Section twenty-seven. Upon satisfactory proof being made to the State Engineer that any application to appropriate water has been perfected in accordance with the provisions of this Act, said State Engineer shall issue to the applicant a certificate setting forth the name of the appropriator, date, source, purpose and amount of the appropriation, and if for irrigation, a description of the land to be irrigated, which certificate shall within thirty days after its issuance be recorded in the county in which the point of diversion of the

appropriation is, as well as in the county where the water is used, in books specially kept for that purpose, and the fee for such records shall be one dollar (\$1) payable by the party in whose favor the certificate is issued. The priority of such appropriation shall date from the filing of the application in the State Engineer's office.

Section twenty-eight. All water used in the State for irrigation purposes shall remain appurtenant to the land upon which it is used; *provided*, that if for any reason it should at any time become impracticable to beneficially or economically use water for the irrigation of any land to which the right of use of the same is appurtenant, said right may be severed from said land, and simultaneously transferred, and become appurtenant to other land, without losing priority of right theretofore established, if such change can be made without detriment to existing rights, on the approval of an application of the owner to the State Engineer. Before the approval of such application the applicant must give notice thereof by publication once a week for four weeks in a newspaper of general circulation in the stream system in which the tracts of land are located, in the form required by the State Engineer. Upon the receipt of the proofs of publication, the State Engineer shall render his decision thereon in writing. Any party interested in the same source of water supply may bring appropriate action in the District Court of the county in which the land is located, for a review of such decision.

SEC. 4. The sum of fifteen thousand dollars is hereby appropriated for the purpose of carrying out the provisions of said Irrigation Act, approved February 16, 1903, and this Act amendatory and supplemental thereto.

CHAP. XLVII.—*An Act to amend Section 124 of an Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved March 23, 1897.*

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 124 of the above-entitled Act is hereby amended so as to read as follows:

Section 124. No sale of any property of an estate of a deceased person shall be valid unless made under an order of the District Court, except as otherwise provided in this Act or other Acts; *provided*, that when the personal property of an estate is insufficient to pay the debts and expenses of administration, the administrator or executor of such estate may, with the approval of the District Judge written thereon, give options and execute written bonds and working leases

Fee for recording.

Water to remain appurtenant to land.

Proviso.

Appropriation of \$15,000.

Sale not valid unless made under Court order.

Proviso as to mining property.

**Executor
may execute
bonds and
contracts
on approval
of District
Judge.**

and other writings for the working or sale of mines, mining claims and mining property; and upon the performance of said written and approved contracts, may execute deeds of conveyance of the property so contracted to be sold, and said deeds shall convey to the grantees therein all the right, title, estate and claim of the deceased at the time of his death, or which his estate may have acquired since his death, by operation of law or otherwise, to the mines, mining claims and mining properties described therein and in said written and approved contracts.

**Copy of such
writings to
be filed.**

SEC. 2. A copy of all such approved contracts or writings shall be filed with the Clerk of the Court having jurisdiction of the settlement of said estate and be a part of the record of the settlement of said estate.

CHAP. XLVIII.—*An Act to amend an Act to provide for payment of funeral expenses of indigent ex-soldiers, approved February 27, 1893 (55).*

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of this Act is hereby amended as follows:

**County to
contribute to
burial of
ex-soldiers.**

Section 1. Whenever the remains of any indigent ex-soldier, dying within this State, shall have been given interment by and at the expense of any Grand Army Post or United Spanish War Veteran Camp, the Post or Camp rendering such service shall be entitled to receive from the county of which such deceased ex-soldier was a resident at the time of his death, a sum not less than twenty-five dollars, and not more than forty dollars, such sum to be allowed and paid in the manner provided for the payment of other bills against the county.

CHAP. XLIX.—*An Act entitled an Act providing for the erection of a State Library and Supreme Court Building, purchasing grounds, and making appropriation therefor.*

[Approved March 13, 1905.]

Preamble.

WHEREAS, The present available room or space for the present and growing needs of the State Library is wholly inadequate; and

WHEREAS, The insufficient shelving area, crowded alcoves, narrow stairways, and inconvenient approaches render the examination of books there difficult and perplexing; and

WHEREAS, From the rapid accumulation of books, pamphlets and periodicals, the shelving and storage capacity of the

Library has been reached and more room has become an absolute necessity; and

WHEREAS, The necessary storage of books, pamphlets and periodicals in the dome of the Capitol has severely taxed the walls and foundations of the Capitol Building and occasioned considerable damage thereto; and

WHEREAS, The Supreme Court Room and Judges' Chambers should be located at a place readily accessible to the State Library; and

WHEREAS, The present demands for room in the State Capitol Building for offices and committee rooms are only too apparent; and

WHEREAS, There is now in the State Library Fund and there will be available a sum of money sufficient to carry out the provisions of this Act without imposing extra taxation upon the people of this State, or drawing from the General Fund of the State; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of the moneys in the State Library Fund for the purpose of erecting a State Library and Supreme Court Building and for purchasing a suitable site therefor.

SEC. 2. The Board of Capitol Commissioners shall, within ninety days after the approval of this Act, purchase such lot, tract or piece of land in Carson City, Nevada, as in their judgment will serve as a fit, proper, convenient and suitable location upon which to construct said building, and shall, at or before the expiration of five months after the approval of this Act, commence the building of said State Library and Supreme Court Room, which said building shall be completed and ready for occupancy on or before the thirty-first day of December, 1906; *provided, however*, that should the said Board of Capitol Commissioners in its discretion determine to build said building within or upon the site now known as the State Capitol grounds, then no additional grounds may be purchased and the said State Library and Supreme Court Building shall be constructed upon said Capitol grounds.

SEC. 3. The Board of Capitol Commissioners shall have charge and the management of the construction of said building, and shall have power and authority to have the same constructed; *provided*, that the building of said structure and the furnishing of the building material to be used in the construction thereof shall be let to the lowest responsible bidder, and the Board shall advertise for a period of at least two months. The person or persons to whom shall be awarded any contract hereunder shall furnish a bond with approved sureties in a sum to be fixed by the Board, which bond shall be conditional upon the full and faithful performance of such

Appropriation of \$40,000 from State Library Fund.

Capitol Commissioners to purchase land and erect building.

Contract to go to lowest responsible bidder.

Board shall advertise for bids.

Prison stone to be used. contract; and provided further, that the entire foundations and walls of said building shall be constructed of stone and rubble prepared and furnished by Nevada State Prison labor.

Cost of plans limited to \$500. SEC. 4. The plans and specifications for said building, not to exceed in cost five hundred dollars, shall be agreed upon and adopted by the Board of Capitol Commissioners; and no change or variation from said adopted plans shall be made without the full consent and approval of the said State Board of Capitol Commissioners; provided, that no such change shall increase the amount of the contract price.

Prison Warden to furnish stone. SEC. 5. On the application by the Board of Capitol Commissioners to the Board of State Prison Commissioners, requesting stone and rubble as aforesaid, it shall be the duty of the Board of Prison Commissioners to direct the Warden of the Nevada State Prison to furnish said Capitol Commissioners such amount of stone and rubble as they may require; provided, that the Board of Capitol Commissioners, upon entering into a contract with any person or persons for the construction of said building, shall require the contract to specify the number of perch or cords of finished stone to be furnished and delivered to the contractor at the Prison.

Capitol Commissioners to regulate manner of payment. SEC. 6. The Board of Capitol Commissioners shall have power to regulate the manner of payment to and the several amounts to be paid to the contractor in separate installments as the work on the building progresses; and upon the completion and acceptance of the building, the entire remaining amount shall be paid.

Claims, how paid. SEC. 7. All claims and demands for the construction of or against said building shall be audited and paid as other claims against the State.

All moneys to come from Library Fund. SEC. 8. The appropriation made as herein provided in Section 1 of this Act shall be construed as applying to all moneys now available in said State Library Fund or which may become available in future in the regular administration of the State's affairs or under any enabling Act for the benefit of said fund.

CHAP. L.—*An Act to amend an Act entitled "An Act to restrict gaming and to repeal all other Acts in relation thereto," approved March 8, 1879, approved February 23, 1893, approved March 13, 1903.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Gaming law amended. Section 7. The licensee may carry on his game in any room or rooms on the first or ground floor or on the second or third floors of any building, and if any person carrying on

said games shall knowingly permit to enter or to remain in any such licensed room or rooms any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties, for violation of its provisions, as are provided in Section 1 of this Act.

Gaming may be conducted in any room on any floor.
Misde-meanor.

CHAP. LI.—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

[Approved March 14, 1905.]

*understand
new*

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of said Act is hereby amended to read as follows:

Sec. 3. Formation of Corporation—How Accomplished.

Sec. 3. All the persons who desire to form a corporation for any one or more of the purposes specified in this Act shall make, sign and acknowledge before some person competent to take the acknowledgment of deeds, and file and have recorded in a book provided for that purpose, in the office of the Clerk of the county in which the principal place of business of the company is intended to be located, articles of incorporation, or a certificate of incorporation, and file a certified copy, under the hand of the Clerk and the seal of said county, in the office of the Secretary of State, of said articles, or certificate of incorporation.

Formation of corporation, how accomplished.

SEC. 2. Section 4 of said Act is hereby amended to read as follows:

Sec. 4. The certificate or articles of incorporation shall set forth:

Sec. 4. What Articles or Certificate Shall Set Forth.

1. The name of the corporation (which name shall end with the word "incorporated," or shall contain one of the following words, used therein as a substantive or noun, "association," "company," "corporation," "club," "society," or "syndicate") and shall be such as to distinguish it from any other formed or incorporated in this State or engaged in the same business, or promoting or carrying on the same objects or purposes in this State.

2. The name of the county and of the city or town and of the place within the county, city or town, in which its principal office or place of business is to be located in this State (giving street and number if practicable), and if not, so described as to be easily located within the said county, city

What articles or certificate shall set forth.

What
articles or
certificate
shall set
forth.

or town, the Secretary of State shall refuse to issue his certificate until such location is marked and established.

3. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on by the corporation.

4. The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars; the number of shares into which the same is divided, and the par value of each share; the amount of subscribed capital stock with which it will commence business, which shall not be less than one thousand dollars; the amount actually subscribed and the amount actually paid up if any; and if there be more than one class of stock created by the certificate of incorporation, a description of the different classes with the terms on which the respective classes of stock are created, and the amount of each class subscribed and amount paid thereon; *provided, however,* that the provisions of this paragraph shall not apply to corporations not for profit, for which it is desired to have no capital stock; in case any such corporation desires to have no capital stock, it shall be so stated, and the conditions of membership shall be also stated. [7]

5. The names of each of the original subscribers to the capital stock and the amount subscribed by each, or if there be no stock, of the original incorporators.

6. The period, if any, limited for the duration of its existence.

7. Whether the members of its governing board shall be styled Directors or Trustees of the corporation and the number of such Trustees or Directors, which shall not be less than three.

8. Whether or not capital stock, after the amount of the subscription price or par value has been paid in, shall be subject to assessment to pay debts of the corporation, and, unless provision is made in such original certificate or articles of incorporation for assessment upon paid up stock, no paid up stock and no stock issued as fully paid up shall ever be assessable or assessed, and the articles of incorporation shall not be amended in this particular.

9. The certificate of articles of incorporation may also contain any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provisions creating, defining, limiting and regulating the powers of the corporation and the rights, powers or duties of the Directors, the stockholders, or any classes of the stockholders, or holders of the bonds or other obligations of the corporation, or providing for governing the distribution or division of the profits of the said corporation; *provided*, such provisions are not contrary to the laws of this State.

SEC. 3. Section 16 is hereby amended to read as follows:

Sec. 16. Maintaining Principal Office and Appointing Agents.

Sec. 16. Every corporation organized under this Act shall have and maintain in a conspicuous place on its principal office, required by Section 14, in letters sufficiently large to be easily read, painted or printed, the corporate name of such corporation. And every such corporation which shall fail or refuse to comply with the requirements of Section 14-71 and of this section for a period of thirty days, or fail to maintain such office, or fail to have a competent agent in charge thereof on all business days of the year, shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law to be prosecuted by the Attorney-General. Failure to comply with the requirements above noted for a period of ninety days, shall render the certificate issued by the Secretary of State void, and the same can only be revived by a certificate from the Governor, issued upon good and sufficient reasons for non-compliance.

What
articles or
certificate
shall set
forth.

SEC. 4. Section 34 is hereby repealed.

Secs. 34, 35,
and 58
repealed.

SEC. 5. Section 35 is hereby repealed.

SEC. 6. Section 53 is hereby repealed.

SEC. 7. Section 56 is hereby amended to read as follows:

Sec. 56. Certificate of Stock.

Sec. 56. Every stockholder shall have a certificate under the seal of the corporation, signed by the President, or Vice-President, and by the Treasurer or Secretary, certifying the total amount of capital stock, authorized, and the total number of shares, the par value, and the number of shares contained in the certificate, whether they are fully paid up and non-assessable or not, also give the location of the principal office, and the name of the resident agent.

Certificate
of stock.

SEC. 8. Section 85 is hereby amended to read as follows:

Sec. 85. Report of Election to Secretary of State.

Sec. 85. Every corporation incorporated or authorized to transact business in this state shall, within thirty days after every and any corporate act which makes any change in the Board of Directors or Trustees, file in the office of the Secretary of State a statement authenticated by the signatures of the President and Secretary and verified by each of them, giving the names of all the Directors or Trustees and officers, with the date of election or appointment of each, term of office, residence and postoffice address of each, character of his business, location (giving also street and number if practicable) of its principal office in this State, and the name of the resident agent in this State, in charge of said office and

Report of
election to
Secretary
of State.

Amendments

upon whom process can be served, and every corporation failing so to do for thirty days shall forfeit to the State \$100.

SEC. 9. Section 102 is hereby amended to read as follows:

Sec. 102. Fees of Secretary of State.

Fees of
Secretary of
State for
filing various
papers.

Sec. 102. On filing any certificate or articles or other paper relative to corporations, in the office of the Secretary of State, the following fees and taxes shall be paid to the Secretary of State, for the use of the State: For certificate or articles of incorporation, ten (10) cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than ten dollars; increase of capital stock, ten (10) cents for each thousand dollars of the total increase authorized, but in no case less than ten dollars; consolidation and merger of corporations, ten (10) cents for each thousand dollars of capital authorized, beyond the total authorized capital of the corporations merged or consolidated, but in no case less than ten dollars; extension or renewal of corporate existence of any corporation, one-half that required for the original certificate or articles of organization or incorporation by this Act; dissolution of corporation, change of nature of business, amended articles or certificates of incorporation or organization (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value of number of shares, ten dollars; for filing list of officers and Directors or Trustees, and name of agent in charge of principal office, one dollar; filing copy of charter and statement of foreign corporation and issuing certificate of authority to transact business, ten dollars; for certifying to articles of incorporation where copy is furnished, two dollars; for certifying to the authorized printed copy of the General Corporation Law, as compiled by the Secretary of State, two dollars; and for all certificates not hereby provided for, five dollars; *provided*, that no fees shall be required to be paid by any religious or charitable society or association or educational association having no capital stock.

SEC. 10. Section 103 is hereby amended to read as follows:

Sec. 103. The Secretary of State to Compile and Publish Biennially a List of Corporations.

Secretary of
State to
publish in
his biennial
report
complete
list of cor-
porations,
etc.

Sec. 103. The Secretary of State shall biennially compile from the records of his office, and publish in his report, a complete list, in alphabetical order, of the original and amended certificates or articles of incorporation or of extension or renewal filed during the preceding year, together with the location of the principal office of each in this State, and the name of the agent in charge thereof, the amount of the authorized capital stock, the amount with which business is to be commenced, the date of filing the certificate and the period for which the corporation is to continue; and shall index each and every paper filed or recorded in his office

under or pursuant to this Act, so that each can be readily found, placing and keeping those relating to each corporation together, and register every paper so filed in a book kept for that purpose under the heading or title of the corporation or company filing the same or affected thereby, each corporation incorporated under this Act to have a separate page which shall show at all times the title or description of each and every paper filed by or on behalf of said corporation with the date of such filing.

SEC. 11. Sec. 110 is hereby amended to read as follows:

Sec. 110. May Hold Stock, Etc., of Other Corporations.

Sec. 110. Any corporation organized under the laws of this State, whether created by this Act, special Act of Legislature, or other general law, may guarantee, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, the shares of the capital stock of or any bonds, securities or evidence of indebtedness created by any other corporation or corporations of this State, or any other State, country, nation or government, and while owner of said stock may exercise all the rights, powers and privileges of ownership including the right to vote thereon.

May hold
stock, etc., of
other cor-
porations.

SEC. 12. The title to Section 8 is hereby amended to read as follows: *Power to Issue Money Denied.*

Title of
Section 8
amended.

CHAP. LII.—*An Act to amend an Act entitled "An Act relating to nickel-in-the-slot machines and providing a penalty for carrying on or playing against such device," approved February 23, 1901, and to prescribe a license for the carrying on of such nickel-in-the-slot machines and regulate their operation.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who deals, plays, or carries on or conducts, either as owner or employee, whether for hire or not, except under a license as hereinafter provided, any nickel-in-the-slot machine or similar device which can be played for money, checks, cigars, drinks or prizes representing value, and every person who plays or bets at or against such nickel-in-the-slot machine or similar device shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment in the county jail not less than twenty-five nor more than fifty days, or by both such fine and imprisonment.

Unlawful
to maintain
nickel-in-
the-slot
machines
without
license.

Penalty.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

License \$20 per quarter.

Proviso as to location.

Proviso as to allowing minors to play.

Apportionment of license money.

Section four. Any person may procure a license for the carrying on and operating of any nickel-in-the-slot machine, or machines or similar devices as mentioned and described in Section 1 of this Act. All such licenses shall be issued and obtained in the same manner as other gaming licenses are now issued and obtained, upon the payment quarterly of the sum of twenty (\$20) dollars for each machine or device so licensed, which sum shall be collected and enforced in the same manner as other gaming licenses; *provided*, that no nickel-in-the-slot machine or similar device licensed under this Act, shall be maintained or operated in any place or manner so that the same can be seen by any person passing along any public highway, street, sidewalk, or thoroughfare of any town or city of this State; *and also provided*, that any person holding a license under this Act who shall knowingly permit any person under the age of twenty-one years to play such nickel-in-the-slot machines shall be guilty of a misdemeanor.

SEC. 3. One-half of the licenses collected under the provisions of this Act shall go to the State and be assigned to the General Fund; the other half shall go to the county in which such license is paid.

CHAP. LIII.—*An Act to authorize the Controller of State and ex officio Commissioner of Insurance to employ a stenographic clerk and fixing the compensation.*

[Approved March 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Typewriting Clerk for State Controller

Duties of Controller and Treasurer.

SECTION 1. The Controller of State and ex officio Commissioner of Insurance is hereby authorized to employ a typewriting clerk whose compensation shall be seventy-five dollars per month.

SEC. 2. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasury in favor of such clerk for the amount of compensation due, and the State Treasurer shall pay the same out of any moneys in the State Treasury not otherwise specifically appropriated.

SEC. 3. This Act shall take effect upon its approval by the Governor.

CHAP. LIV.—*An Act for the relief of Holesworth & Fowler.*

[Approved March 4, 1905.]

Preamble.

WHEREAS, There is now due to Holesworth & Fowler the sum of five thousand seven hundred and twenty-two (\$5,722) dollars on the contract for the construction of the building for the State Orphans' Home; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand seven hundred and twenty-two (\$5,722) dollars is hereby appropriated out of the General Fund of the State Treasury to be paid to Holesworth & Fowler, said amount being due them on the contract for the construction of the State Orphans' Home building. Appropriation of \$5,722
for
Holesworth
& Fowler.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of Holesworth and Fowler for the amount specified in this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. LV.—*An Act to amend sections forty-four and forty-seven of an Act entitled "An Act concerning crimes and punishments," approved November 26, 1861, as amended and approved March 4, 1873, approved March 6, 1889.*

[Approved March 4, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-four of the above-entitled Act is hereby amended so as to read as follows:

Section forty-four. Rape is the carnal knowledge of a female, forcibly and against her will, and a person duly convicted thereof shall be punished by imprisonment in the State Prison for a term of not less than five years and which may extend to life; *provided*, that if such crime be accompanied with acts of extreme violence and great bodily injury inflicted, the person guilty thereof shall be punished by imprisonment in the State Prison for a term not less than twenty years, or he shall suffer death, if the jury by their verdict affix the death penalty. And any person of the age of fifteen years or upwards who shall have carnal knowledge of any female child under the age of fourteen years, either with or without her consent, shall be adjudged guilty of the crime of rape, and be punished as before provided. Rape defined.
Penalty.
Jury may affix death penalty.
Age of consent, 14 years.

SEC. 2. Section forty-seven of the above-entitled Act is hereby amended so as to read as follows:

Section forty-seven. An assault with intent to kill, commit rape, the infamous crime against nature, mayhem, robbery, or grand larceny, shall subject the offender to imprisonment in the State Prison for a term not less than one year, nor more than fourteen years; *provided*, that if an assault with intent to commit rape be made, and if such crime be accompanied with acts of extreme cruelty and great bodily injury inflicted, the person guilty thereof shall be punished by imprisonment in the State Prison for a term of not less than fourteen years, or he shall suffer death, if the jury by their verdict affix the death penalty. An assault with Various crimes punishable by imprisonment in State Prison.
Jury may affix death penalty.

Fine or
imprison-
ment.

Proviso.

a deadly weapon, instrument or other thing, with an intent to inflict upon the person of another a bodily injury, where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant heart, shall subject the offender to imprisonment in the State Prison not less than one year or exceeding two years, or to a fine not less than one thousand, nor exceeding five thousand dollars, or to both such fine and imprisonment; *provided*, that this Act shall not apply to any such crimes committed prior to the passage hereof, the prosecution and punishment for which shall be the same as provided by existing law at the time of the commission thereof.

CHAP. LVI.—*An Act fixing the salary and compensation of the Deputy State Controller.*

[Approved March 14, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Deputy Con-
troller shall
receive \$1,800
per annum.

SECTION 1. The Deputy State Controller shall receive the sum of eighteen hundred dollars per annum for his services; he shall act as Clerk of State Printing Commissioners, without further compensation.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage and approval.

CHAP. LVII.—*An Act fixing the salary and compensation of the Governor's Private Secretary.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Governor's
Private Sec-
retary shall
receive \$1,800
per annum.

SECTION 1. The Governor's Private Secretary shall receive the sum of eighteen hundred dollars per annum for his services as Private Secretary to the Governor; he shall act as Clerk of the Board of State Capitol Commissioners, Board of Pardons and State Board of Assessors, without further compensation.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage and approval.

CHAP. LVIII.—*An Act relating to the duties of County Assessors.*

[Approved March 4, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the Assessors in the various counties of the State to place upon the assessment rolls of their respective counties all patented mines situated within such counties, which mines shall be assessed for taxation at the valuation placed upon them by Section 1 of Article X of the Constitution of the State of Nevada, as amended by resolution proposed and passed at the Nineteenth Session of the Nevada Legislature, March 3, 1899, agreed to and passed at the Twentieth Session, March 6, 1901, and approved by vote of the people at the general election in November, 1902.

County
Assessors to
assess pat-
ented mines.

CHAP. LIX.—*An Act to amend an Act entitled "An Act to create a Special Jury Fund and to regulate the disposition of certain funds, and other matters connected therewith, in the County of Lincoln," approved February 28, 1899.*

[Approved March 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of the above-mentioned Act is hereby amended to read as follows:

Section 3. Allowance shall be made against Special Jury Fund for the payment of jurors' per diem fees; and for their mileage, not to exceed one hundred (100) miles each way, going and returning, for any juror, accrued after the passage of this Act. Neither mileage fees in excess of the aforesaid amount (if any shall accrue) nor any per diem or mileage fees heretofore accrued shall be paid out of said fund; but they shall be paid only in the manner and out of the funds heretofore provided by law.

Special
Jury Fund
for Lincoln
County.

CHAP. LX.—*An Act fixing the salary and compensation for official services of the Justices of the Peace and Constables in the Townships of Reno, Sparks, Wadsworth and Verdi, in the County of Washoe.*

[Approved March 4, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the 1st day of April, 1905, the following-named officers shall be entitled to receive the fees

Salary of Justices of the Peace and Constables in Washoe County.

and commissions allowed by law for official services in all civil actions, but shall not collect or receive from the State of Nevada, County of Washoe, or any of said townships, or any person, any fees or commissions for any official services by them rendered in criminal proceedings or cases, either before a Coroner, committing magistrate, or any court; and in lieu thereof shall receive the salaries hereinafter mentioned, which shall be in full compensation of all said services in criminal actions or proceedings.

Salaries of Justices of the Peace, fixed.

SEC. 2. From and after said date the following-named Justices of the Peace in Washoe County, Nevada, shall receive the following annual salaries, to be paid in equal monthly payments, in the same manner that the salaries of county officers are paid, to wit: The Justice of the Peace of Reno Township, \$1,000; the Justice of the Peace of Sparks Township, \$500; the Justice of the Peace of Wadsworth Township, \$250; the Justice of the Peace of Verdi Township, \$250.

Salaries of Constables, fixed.

SEC. 3. From and after said date the following-named Constables in Washoe County, Nevada, shall receive the following annual salaries, to be paid in equal monthly payments, in the same manner that the salaries of county officers are paid, to wit: The Constable of Reno Township, \$1,000; the Constable of Sparks Township, \$500; the Constable of Wadsworth Township, \$250; the Constable of Verdi Township, \$250.

CHAP. LXI.—*An Act relating to the claims of ex-soldiers of the Spanish War against the United States.*

[Approved March 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Claims of Spanish War veterans against United States.

Board of Examiners to give notice.

State of Nevada shall not be made liable.

SECTION 1. The State Board of Examiners is hereby authorized and directed to investigate all claims against the United States Government by persons who served in the Nevada quota of the United States Army in the late war with Spain, and to approve such of its claims as appear to be just.

SEC. 2. The said Board shall give reasonable notice to all claimants to present their claims to the Board within such time as may be fixed by the Board. The claims shall be verified by the oaths of the claimants and the Board may require such other proofs as may be deemed necessary to guard against fraud and imposition.

SEC. 3. The said Board is further authorized and directed to take proper steps for the collection of the various claims approved, but nothing herein contained shall be so construed as to make the State of Nevada liable for any of such claims except as they may be paid through the State to the claimants by the United States Government.

CHAP. LXII.—*An Act making appropriations for the support of the civil government of the State of Nevada for the fiscal years 1905 and 1906.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated for the purpose hereinafter expressed, and for the support of the Government of the State of Nevada, for the years 1905 and 1906: General appropriations for 1905 and 1906.

SEC. 2. For the salary of the Governor, eight thousand dollars (\$8,000). Governor.

SEC. 3. For the salary of the Governor's Private Secretary, three thousand six hundred dollars (\$3,600). Private Secretary.

SEC. 4. For the salary of the Lieutenant-Governor and ex officio Adjutant-General, and while presiding as President of the Senate, and while acting as Governor, during the sickness or absence of the Governor, thirty-six hundred dollars (\$3,600). Lieutenant-Governor.

SEC. 5. For salary of Secretary of State and ex officio Clerk of the Supreme Court, and ex officio State Librarian, forty-eight hundred dollars. Secretary of State.

SEC. 6. For salary of Secretary of State and ex officio Clerk of the Supreme Court, and ex officio Reporter of Supreme Court Decisions, twelve hundred dollars (\$1,200). Ex officio Reporter of Decisions.

SEC. 7. For salary of Deputy Secretary of State, three thousand dollars (\$3,000). Deputy.

SEC. 8. For salary of the Stenographer in the Secretary of State's office, eighteen hundred dollars (\$1,800). Stenographer.

SEC. 9. For salary of Clerk of the State Library, eighteen hundred dollars (\$1,800), to be paid under the direction of the Secretary of State. State Library Clerk.

SEC. 10. For salary of State Controller, forty-eight hundred dollars (\$4,800). State Controller.

SEC. 11. For salary of Deputy State Controller, three thousand six hundred dollars (\$3,600). Deputy.

SEC. 12. For salary of Typewriting Clerk in the office of Controller of State, eighteen hundred dollars (\$1,800). Clerk.

SEC. 13. For salary of State Treasurer, forty-eight hundred dollars (\$4,800). State Treasurer.

SEC. 14. For salary of Deputy State Treasurer, thirty-four hundred dollars (\$3,400). Deputy.

SEC. 15. For salary of the Attorney-General, four thousand dollars (\$4,000). Attorney-General.

SEC. 16. For salary of Stenographer in Attorney-General's office, eighteen hundred dollars (\$1,800). Stenographer.

SEC. 17. For salary of the Surveyor-General and State Land Register, forty-eight hundred dollars (\$4,800), payable out of the State School Fund. Surveyor-General.

Deputy. SEC. 18. For salary of the Deputy Surveyor-General and State Land Register, three thousand dollars (\$3,000), payable out of the State School Fund.

Draughtsman. SEC. 19. For salary of Draughtsman in State Land Office, three thousand dollars (\$3,000), payable out of the State School Fund.

Clerks in Land Office. SEC. 20. For salary of Clerks in State Land Office, and for transcribing records, twenty-eight hundred dollars (\$2,800), payable out of the State School Fund.

Stenographer. SEC. 21. For salary of the Stenographer in the State Land Office, eighteen hundred dollars (\$1,800), payable out of the State School Fund.

Township plats. SEC. 22. For the purchase of township plats from the United States Surveyor-General's office, providing that the price per plat shall not exceed six dollars, three hundred dollars (\$300), payable out of the State School Fund.

Superintendent of Public Instruction. SEC. 23. For salary of State Superintendent of Public Instruction and ex officio Curator of State Museum, four thousand dollars (\$4,000), payable out of the General School Fund.

Traveling expenses. SEC. 24. For traveling expenses of the State Superintendent of Public Instruction, eight hundred dollars (\$800), payable out of the General School Fund.

Clerk. SEC. 25. For salary of a Typewriting Clerk in the office of Superintendent of Public Instruction, eighteen hundred dollars (\$1,800).

Teachers' Institute. SEC. 26. For expenses of Teachers' Institute for 1905 and 1906, two hundred dollars (\$200).

Supreme Court. SEC. 27. For salaries of the Justices of the Supreme Court, twenty-seven thousand dollars (\$27,000).

Bailiff. SEC. 28. For salary of the Bailiff of Supreme Court, four hundred dollars (\$400).

Typewriters, etc., for Supreme Court. SEC. 29. For the purchase of three typewriting machines and desks for the Justices of the Supreme Court, three hundred and seventy-five dollars; for the purchase of carpet for Judge Norcross' chamber, sixty dollars (\$60); for repairing and painting porch, seventy-five dollars (\$75).

State Printer. SEC. 30. For salary of Superintendent of State Printing, four thousand dollars (\$4,000).

State printing. SEC. 31. For support of the State Printing Office, sixteen thousand five hundred dollars (\$16,500).

Book-binding. SEC. 32. For bookbinding, thirty-seven hundred dollars (\$3,700), to be expended under the direction of the Superintendent of State Printing.

New materials, etc. SEC. 33. For new material and repairs for State Printing Office, five hundred dollars (\$500).

Nevada Reports. SEC. 34. Printing and binding Nevada Reports No. 28, No. 29, No. 30, forty-eight hundred dollars (\$4,800), to be

expended under the direction of the Superintendent of State Printing.

SEC. 35. For insurance of State Printing Office, five hundred dollars (\$500). Insurance, Printing Office.

SEC. 36. For printing and binding 25,000 copies of the General Corporation Law, one thousand dollars (\$1,000). Corporation Law.

SEC. 37. For publication of Supreme Court decisions and official advertising, twelve hundred dollars (\$1,200). Official advertising.

SEC. 38. For indexing and compiling Nevada Reports, twelve hundred dollars (\$1,200). Indexing Reports.

SEC. 39. For support of State Orphans' Home, to be expended under the direction of the Board of Directors, thirty thousand dollars (\$30,000). State Orphans' Home.

SEC. 40. For salary of one teacher and one assistant teacher at the State Orphans' Home, twenty-four hundred dollars (\$2,400). Teachers at Orphans' Home.

SEC. 41. For support of the Nevada State Prison, eighty-six thousand one hundred and fifteen dollars (\$86,115). State Prison.

SEC. 42. For repairs and improvements of the Nevada State Prison, eight thousand dollars (\$8,000). Repairs, etc.

SEC. 43. For salary and subsistence of the Guards, called the death watch, and care of condemned prisoners under sentence of death, seventy-five hundred dollars (\$7,500). Death watch.

SEC. 44. For salary and subsistence of three additional Guards for the Nevada State Prison, fifty-four hundred dollars (\$5,400). Additional guards for Prison.

SEC. 45. For the support of Hospital for Mental Diseases, to be expended under the direction of the Board of Commissioners for the Care of the Indigent Insane, seventy-eight thousand dollars (\$78,000). Hospital for Mental Diseases.

SEC. 46. For repairs and improvements on buildings of Hospital for Mental Diseases, seven thousand dollars. Repairs, etc.

SEC. 47. Tuition and support for the deaf, dumb, and blind, sixty-five hundred dollars (\$6,500). Deaf, dumb, and blind.

SEC. 48. For traveling expenses of District Judges, three thousand dollars (\$3,000). District Judges.

SEC. 49. For salary of Night Watchman of the Capitol Building, two thousand six hundred and forty dollars (\$2,640), which salary is hereby fixed at one thousand three hundred and twenty dollars (\$1,320) per annum. Night Watchman of Capitol.

SEC. 50. For salary of Janitor of Capitol Building, twenty-four hundred dollars (\$2,400). Janitor.

SEC. 51. For salary of Gardener of the Capitol Grounds, twenty-four hundred dollars (\$2,400). Gardener.

SEC. 52. For stationery, fuel and lights for State offices, and the State Capitol Building and Grounds, thirty-seven hundred dollars (\$3,700). Lights and fuel, Capitol.

SEC. 53. For current expenses for telegraph, postal and

Current expenses, State officers contingent, for the State officers, Supreme Court and State Library, and for transportation of State property, four thousand dollars (\$4,000).

Election expenses. SEC. 54. For election expenses, purchase of paper, boxing, freights, etc., five hundred dollars (\$500).

Capitol grounds. SEC. 55. For expenses of Capitol grounds and water works, twenty-five hundred dollars (\$2,500).

Weather Service. SEC. 56. For salary of Director of State Weather Service, six hundred dollars (\$600).

State University. SEC. 57. For the support of the State University, fifty thousand dollars (\$50,000); eight thousand dollars (\$8,000) to come from the Interest Account, 90,000-Acre Grant, and forty-two thousand dollars (\$42,000) to come from the Contingent University Fund, to be expended for the support and maintenance of the University at Reno.

Insurance, Capitol. SEC. 58. For insurance on Capitol Buildings, State Library, public records, and furniture, two thousand dollars (\$2,000).

Rewards. SEC. 59. For payments of rewards offered by the Governor, two thousand dollars (\$2,000).

Board of Health. SEC. 60. For support of the State Board of Health, one thousand dollars, (\$1,000).

Legislature, 23d Session. SEC. 61. For furnishing of lights and fuel and repairing Legislative Halls and furniture for the Twenty-third Session of the State Legislature, two hundred dollars (\$200).

State Board of Assessors. SEC. 62. For support of State Board of Assessors, and traveling expenses, five thousand dollars (\$5,000).

Storing ammunition. SEC. 63. For storing ammunition, fifty dollars (\$50).

Virginia Mining School. SEC. 64. For the support of the Virginia Mining School, three thousand dollars (\$3,000), to be expended under the direction of the State Board of Education.

Flag for Adjutant-General. SEC. 65. For the purchase of flag for Headquarters of Militia, typewriting in Adjutant-General's office, and for the care and transportation of military property, and contingent expenses, eight hundred and eighty dollars (\$880).

License Inspector. SEC. 66. For the salary of License and Bullion Tax Inspector, four thousand dollars (\$4,000).

Traveling expenses. SEC. 67. For traveling expenses of the License and Bullion Tax Inspector, one thousand dollars (\$1,000).

Refurnishing Governor's office. SEC. 68. For renovating and furnishing the Governor's office, two thousand dollars (\$2,000), to be expended under the direction of the Board of Capitol Commissioners.

Repairing Capitol dome and roof. SEC. 69. For the covering of the dome of the Capitol Building with copper plate and repairing the same and painting the roof of the Capitol Building, twelve hundred dollars (\$1,200).

CHAP. LXIII.—*An Act regulating the practice of medicine, surgery and obstetrics in the State of Nevada; providing for the appointment of a State Board of Medical Examiners and defining their duties; providing for the issuing of licenses to practice medicine; defining the practice of medicine; defining certain misdemeanors and providing penalties, and repealing all other Acts, or parts of Acts, in conflict therewith.*

[Approved March 4, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. That it shall hereafter be unlawful for any person, or persons, to practice medicine, surgery or obstetrics in this State without first obtaining a license so to do as hereinafter provided.

SEC. 2. Within thirty days after this law goes into effect, it shall be the duty of the Governor of the State of Nevada to appoint a State Board consisting of five members, which shall be known as the Board of Medical Examiners of the State of Nevada, and shall be reputable practicing physicians, duly licensed as such by some legally chartered medical institution in the United States, and who shall have been actually engaged in the practice of medicine in the State of Nevada, three of whom shall be selected from the school of medicine known as the Regular, one from the school known as the Eclectic, and one from the school known as the Homeopathic. This Board shall be selected without regard to their individual political beliefs, and they shall hold office for the time for which they were appointed, viz., two for four years, one for three years, one for two years, and one for one year from the date of their appointment, and shall serve until their successors are appointed and qualified. Hereafter one member shall be appointed annually for the term of four years. In the event of a vacancy occurring in said Board, or absence from the State for a period of six months without permission, the Governor shall appoint a person duly qualified under this Act to fill the unexpired term.

SEC. 3. *Oath:* Each member of said Board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine, and a legally qualified practitioner of medicine in this State.

SEC. 4. The said Board shall meet in Carson City, Nevada, on the first Monday in May, 1905, and shall organize by electing from its number a President, Vice-President, Secretary and Treasurer, who shall hold their respective positions dur-

Restriction
as to prac-
tice of
medicine.

Board of
Medical
Examiners.

Composition
of Board.

Terms of
office.

Board to
meet and
organize.

ing the pleasure of the Board. Said Board shall hold its regular meetings on the first Monday in May and the first Monday of November of each year, at such time and place as shall be most convenient to the said Board, and due notice of all special meetings of the Board shall be given by publication twice a week for each of the two weeks next preceding such meeting, in three papers published in the State of Nevada. Special meetings of the Board may be held at the call of the President, and the same notice thereof shall be given as in the case of regular meetings.

Notice given
by advertis-
ing.

To adopt
rules.

Quorum.

Board may
accept certif-
icate of
other State
Boards.

Proviso as to
reciprocity.

Certificate
from Board
must be pro-
cured by all
practitioners

Method of
procuring
certificate.

SEC. 5. *Rules:* Said Board may, from time to time, adopt such rules as may be necessary to enable it to carry into effect the provisions of this Act. Any member of said Board may administer oaths in all matters pertaining to the duties of said Board, and the Board shall have the authority to take evidence as to any matter cognizable by it. Such Board shall procure a seal, and shall receive through its Secretary applications for the certificates provided to be issued under this Act.

SEC. 6. A majority of said Board shall constitute a quorum to transact all business. All certificates issued by said Board shall bear its seal and the signatures of its President and Secretary, and shall authorize the person to whom it is issued to practice medicine in all its branches in this State, upon complying with the requirements of this Act. Said Board may, in its discretion, accept and register, upon payment of the registration fee, and without examination of the applicant, any certificate which shall have been issued to him by the medical examining board of the District of Columbia, or of any State or Territory of the United States; *provided, how- ever,* that the legal requirements of such medical examining board shall have been, at the time of issuing such certificate, in no degree or particular less than those of Nevada at the time when such certificate shall be presented for registration to the Board created by this Act; *and provided further,* that the provisions in this paragraph contained shall be held to apply only to such of said medical examining boards as accept and register the certificates granted by this Board without examination by them of the ones holding such certificates.

SEC. 7. After this law goes into effect, any person desiring to practice medicine, surgery, or obstetrics or any of the various branches of medicine in this State, shall, before beginning to practice, procure from the State Board of Medical Examiners a certificate that such person is entitled to practice medicine, surgery, or obstetrics in this State. In order to procure such certificate the applicant shall submit to the said Board his or her diploma, issued by some legally chartered medical school, the requirements of which medical school shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, and he must

accompany said diploma or license with an affidavit setting forth the number and duration of terms the applicant was required to be in attendance, and that he is the lawful possessor of the same, that he is the person therein named, and that the diploma or license was procured without fraud or misrepresentation of any kind. Such application shall be accompanied by the affidavit of two freeholders, resident of the same county in which the applicant resides, stating that the applicant is the identical person named in the accompanying diploma, and that he or she is of good moral standing and reputable. In addition to such affidavit, said Board may hear such further evidence as, in its discretion, it may deem proper as to any of the matters embraced in said affidavit. If it should appear from such evidence that said affidavit is untrue in any particular, or if it should appear that the applicant is not of good moral character, the application must be rejected. Said Board shall retain such diploma such time as is necessary, but in no case shall said Board retain such diploma to exceed two weeks. All such diplomas and affidavits shall be addressed to the Secretary of the Board.

SEC. 8. Applicants for certificates to practice medicine, surgery, or obstetrics in the State of Nevada, other than those noted in the foregoing sections, shall be required to present a diploma from a legally recognized college, and to pass a satisfactory examination before the State Board of Medical Examiners as to his or her qualifications. The applicant must appear personally before the Board, and the examination shall be conducted in the English language, and shall be, in whole or in part, in writing, and in each branch shall obtain seventy-five per cent, and shall be on the following subjects, to wit: Anatomy, physiology, materia medica and therapeutics, chemistry, bacteriology, pathology, toxicology, obstetrics, surgery, general medicine, diseases of the skin, eye, ear, nose, throat, brain, and the genito-urinary system. Said examination shall be fair and impartial, and the questions of such a character as will determine the fitness of the applicant to practice his, or her, profession. When an applicant applies for examination in materia medica and therapeutics, and theory and practice of medicine, he shall designate in what school of medicine he desires to practice, and only the member or members of the Board who belong to the school so designated shall participate in this part of the examination. Examinations shall be practical in character, and designed to discover the applicant's fitness to practice medicine and surgery. If an applicant fail in his first examination, he may, after not less than six months, be reexamined without additional fee. If he fail in a second examination he shall not thereafter be entitled to another examination in less than one year after the date of second examination, and shall be required to pay for such examination the full fee. The examination papers shall form a part of the records of said

Affidavit
must
accompany.

Reputable
diplomas
recognized.

Examination
required.

Subjects.

Examina-
tions to be
practical.

Reexamina-
tion, when.

Fee, \$25.

Board, and shall be kept on file by the Secretary, and such records shall be open to public inspection whenever requested, after the examination. Each applicant, on making application, shall pay to the Secretary of the Board a fee of twenty-five (\$25) dollars at the same time the diploma and affidavit is filed with him, and this fee shall not be returned in the event of the applicant's failing to pass a satisfactory examination. Any person who may hereafter be granted a license to practice medicine and surgery in this State under this Act upon the grounds of reciprocity with other States and without examination, shall pay a fee of twenty-five (\$25) dollars for such license.

Right of appeal to the courts.

SEC. 9. Any unsuccessful applicant shall have the right to appeal to the courts, requiring the said Board to show cause why such applicant should not be permitted to practice medicine, surgery or obstetrics in the State of Nevada.

Record book required.

SEC. 10. Said Board shall procure a book for the purpose of recording the names of all persons to whom it issued certificates. In this book shall be entered the names of the applicants, together with the name of the school granting the diploma, the date of the diploma, the number of terms the applicant attended school, residence of applicant, and the date of issuance of certificate. This book shall be retained by the Secretary, who shall note the unsuccessful applicants, furnishing the same information as is given above. The Secretary shall furnish each County Clerk in this State a complete list of persons to whom certificates have been issued, after each meeting of the Board. Such list shall be retained and filed by the County Clerk and it shall show the name, age, and location of the holder of each certificate, together with the name of the institution conferring the degree, and the date of the issuance of certificate.

Secretary to furnish County Clerks with lists.

SEC. 11. The members of the Board shall serve without compensation, except that their actual expenses incurred while attending a regular or special meeting of the Board shall be refunded; *provided*, that the Secretary shall receive a semi-annual salary of one hundred and fifty (\$150) dollars for his services. All moneys received by the Board shall be paid out on its order for its expenses, and the traveling expenses of the members, and if the moneys received are not sufficient to meet such expenses, then the Board shall certify to the Board of Examiners, with accompanying vouchers, over its seal and the signatures of its President and Secretary, the amount actually necessary to meet the remainder of its expenses, and upon the approval of said claim by the Board of Examiners the State Controller shall draw his warrant upon any moneys in the General Fund not otherwise appropriated, and the State Treasurer shall pay the same.

Certificate filed with Recorder.

SEC. 12. Every person to whom the Board shall issue a certificate shall present the same to the County Recorder of the county in which he desires to practice, and have the same

recorded, and shall pay the fee usually paid for recording such papers. The Board may refuse a certificate to any applicant guilty of unprofessional conduct, and may revoke any certificate for a like cause. In all cases of refusal or revocation the party aggrieved may appeal to the courts. The words "unprofessional conduct," as used in this Act, are hereby declared to mean:

First—The procuring or aiding or abetting in procuring a criminal abortion. Grounds for refusal or revocation.

Second—The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.

Third—The willfully betraying a professional secret.

Fourth—All advertising of medical business in which grossly improbable statements are made.

Fifth—All advertising of any medicines, or of any means, whereby the monthly periods of women can be regulated, or the menses reestablished if suppressed.

Sixth—Conviction of any offense involving moral turpitude.

Seventh—Habitual intemperance.

SEC. 13. For the purposes of this Act the words "practice of medicine, surgery and obstetrics," shall mean to open an office for such purpose, or to announce to the public, or to any individual in any way, a desire or willingness, or readiness to treat the sick or afflicted in any county in the State of Nevada; or to investigate or diagnosticate, or to offer to investigate or diagnosticate any physical or mental ailment, or disease, of any person, or to give surgical assistance to, or to suggest, recommend, prescribe or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or deformity, after having received or with the intent of receiving therefor, either directly or indirectly, any money, gift, or any other form of compensation. It shall also be regarded as practicing medicine within the meaning of this Act if any one shall use in connection with his or her name, the words or letters "Dr.," "Doctor," "Professor," "M.D.," or "Healer," or any other title, word, letter or other designation intended to imply or designate him or her as a practitioner of medicine, or surgery, or obstetrics in any of its branches; *provided*, that nothing in this Act shall be construed to prohibit gratuitous services of druggists or other persons in cases of emergency, or the domestic administration of family remedies, and this Act shall not apply to commissioned surgeons of the United States Army or Navy in the discharge of their official duties, nor shall it apply to professional or other nurses in the discharge of their duties as nurses, nor to physicians who are called into this State for consultation, and who are legally qualified to practice in the State where he or she

Proviso.
Exceptions.

Complaint,
what suffi-
cient for.

resides. In charging any person in an affidavit, information or indictment with a violation of this Act by practicing medicine, surgery or obstetrics without a license, it shall be sufficient to charge that he or she did, upon a certain day, and in a certain county of this State, engage in the practice of medicine, he, or she, not having a license to do so, without averring any further or more particular facts concerning the same.

Misde-
meanor.

SEC. 14. Any person who shall practice medicine, surgery or obstetrics in this State without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than two hundred (\$200) dollars, or by imprisonment in the county jail for not less than fifty (50) days, nor more than one hundred and eighty (180) days, or by both such fine and imprisonment for each and every such offense. Any person may institute proceedings at law provided for in this Act.

Penalty.

SEC. 15. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of felony, and, upon conviction thereof, shall be punished by imprisonment in the State Prison not less than one year nor exceeding five years.

Penalty for
false imper-
sonation.

SEC. 16. Any person assuming to act as a member of a State Board of Medical Examiners, or who shall sign, or subscribe, or issue or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery in this State, except the person so acting and doing shall have been appointed a member of said Board of Medical Examiners as in this Act provided, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for a term of not less than sixty (60) nor more than one hundred and eighty (180) days, or by both such fine and imprisonment.

Registration
fee, \$25.

SEC. 17. Every person practicing medicine, surgery or obstetrics in the State of Nevada on the first Monday of May, 1905, shall submit to the said Board his, or her, diploma for registration, and a fee of twenty-five (\$25) dollars shall accompany such diploma; *provided*, that the owner of such diploma shall, if he or she was practicing medicine, surgery or obstetrics prior to the passage of the Act approved March 15, 1899, and has not complied with said Act of March 15, 1899, pay a fee of five (\$5) dollars for such registration, but said person shall submit to the Board said diploma on the first Monday of May, 1905; *provided further*, that all persons who have complied with the Act of March 15, 1899, shall be entitled to full registration by the said Board of Medical Examiners, and nothing in this Act shall be con-

Registration
free to cer-
tain persons.

strued to prevent such registration, and the Secretary of said Board shall enter free of all charge, upon the record book of said Board, the names of all persons who have complied with the Act of March 15, 1899. *And be it further provided,* that a certificate of registration or license issued by the proper examining Board of any State, which agrees on reciprocal registration with this State, may be accepted as evidence of qualification for reciprocal registration in this State; *provided,* Provisos. that the holder of such certificate was, at the time of such registration, the legal possessor of a diploma issued by a medical college in good standing in this State, and that the date thereof was prior to the passage of this Act.

SEC. 18. All Acts and parts of Acts in conflict with this Repeal. Act are hereby repealed.

SEC. 19. This Act shall take effect from and after the To take third day of May, nineteen hundred and five.

CHAP. LXIV.—*An Act to assist the United States Reclamation Service in the construction and maintenance of irrigation works provided for by the Congressional Reclamation Act approved June 17, 1902, by granting right of way over State lands, regulating the disposition of State lands included in Government irrigation projects, and authorizing County Commissioners to accept and use stock subscription books of water users associations formed under the provisions of said Congressional Reclamation Act.*

[Approved March 9, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby granted, over all the lands now or hereafter belonging to the State, a right of way for ditches, tunnels, and telephone and transmission lines, constructed by authority of the United States. All conveyances of State lands hereafter made shall contain a reservation of such right of way.

SEC. 2. No lands belonging to the State, within the areas to be irrigated from works constructed or controlled by the United States or its duly authorized agencies shall hereafter be sold except in conformity with the classification of farm units by the United States, and the titles to such lands shall not pass from the State, until the applicant therefor shall have fully complied with the provisions of the laws of the United States and the regulations thereunder concerning the

acquisition of the right to use water from such works and shall produce the evidence thereof duly issued. After the withdrawal of lands by the United States for any irrigation project, no application for the purchase of State lands within the limits of such withdrawal shall be accepted, except upon the conditions prescribed in this section. Any State lands needed by the United States for irrigation works shall be sold to the United States at the lowest price authorized by law.

Duties of
County Com-
missioners.

SEC. 3. The County Commissioners are hereby authorized to accept from water users associations organized in conformity with the requirements of the United States under the Reclamation Act, books containing printed copies of their articles of incorporation and forms of subscription to stock, and to use such books for recording the stock subscriptions of such association; and the charges for the recording thereof shall be made on the basis of the number of words actually written therein.

Repeal.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

CHAP. LXV.—An Act to amend an Act entitled "An Act providing for the appointment of Notaries Public, fixing their term of office, and specifying the numbers to be appointed, and enlarging the territory within which they may act," approved March 14, 1903.

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended to read as follows:

Notaries
Public; num-
ber each
county may
have.

Section 2. For Storey County there may be twelve Notaries Public; for Lander County there may be sixteen Notaries Public; for Nye County there may be fifty Notaries Public; for Churchill County there may be twenty Notaries Public; for Esmeralda County there may be fifty Notaries Public; for Washoe County there may be seventy-five Notaries Public; for Ormsby County there may be twenty Notaries Public; for Humboldt County there may be twenty-five Notaries Public; for Douglas County there may be five Notaries Public; for Lyon County there may be eight Notaries Public; for Eureka County there may be fifteen Notaries Public; for Elko County there may be forty Notaries Public; for White Pine County

there may be twenty Notaries Public; for Lincoln County there may be fifty Notaries Public.

CHAP. LXVI.—An Act to consolidate certain county offices in and for White Pine County, State of Nevada, and fixing the compensation of the officers of said county, to take effect on the first Monday in January, 1907, and repealing all other Acts in conflict herewith.

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the first Monday in January, 1907, the offices of Clerk and Treasurer of White Pine County shall be consolidated, and the Treasurer shall be ex officio Clerk of said county.

SEC. 2. On and after the first Monday in January, 1907, the offices of Sheriff and Assessor of White Pine County, Nevada, shall be consolidated, and the Sheriff shall be ex officio Assessor of said county.

SEC. 3. On and after the first Monday in January, 1907, the county officers of White Pine County, Nevada, shall receive compensation as follows, in full for all official services performed by them, to wit: The Sheriff, as such officer and as ex officio Assessor and License Collector, shall receive an annual salary of one thousand eight hundred dollars, and all fees and mileage as now provided by law; *provided, however,* that he shall receive only his actual traveling expenses in criminal cases and in all cases where White Pine County is a party. The District Attorney, as such officer and as ex officio Superintendent of Schools and ex officio Public Administrator, shall receive an annual salary of one thousand dollars and all fees now provided by law; *provided, however,* that he shall receive no fees in criminal cases or in cases where White Pine County is a party. The Recorder, as such officer and as ex officio Auditor, shall receive an annual salary of five hundred dollars and all fees now provided by law. The Treasurer, as such officer and as ex officio Clerk, ex officio Clerk of the District Court and ex officio Clerk of the Board of County Commissioners and of the Board of Equalization, shall receive an annual salary of one thousand dollars and all fees now provided by law. The County Commissioners shall each receive an annual salary of three hundred dollars and mileage at the rate of twenty cents per mile for each mile actually traveled one way only; *provided, however,* that no mileage shall be allowed to any County Commissioner who does not reside at least one mile from the Court House of said county.

SEC. 4. The salaries of all the officers of White Pine County shall be allowed, audited and paid monthly.

County not to pay deputies' salaries. SEC. 5. No allowance shall be made by the Board of County Commissioners, nor shall any claim be audited or paid by the Auditor or Treasurer of White Pine County for the compensation of any deputy for any of the offices named in this Act, except as in Section 6 hereinafter provided.

Deputy Sheriff authorized. SEC. 6. The Sheriff of White Pine County is hereby authorized and empowered to appoint a deputy, who shall act as jailer at the county jail and as janitor and watchman at the County Court House, and whose salary shall be the sum of seventy-five dollars per month, to be allowed and paid in the same manner and from the same fund as the salaries of other county officers are paid. The Sheriff shall be responsible on his official bond for all misfeasance, malfeasance and nonfeasance of such deputy, and may remove such deputy at pleasure.

Sheriff responsible. SEC. 7. All Acts and parts of Acts providing for the offices and salaries of the officers of White Pine County and in force at the date of the approval hereof are hereby continued in force up to and until the first Monday in January, 1907, on which day and date all Acts and parts of Acts in conflict with the provisions of this Act shall stand repealed.

Acts continued in force, and repealed.

CHAP. LXVII.—*An Act to grant the right of way to E. L. Labadie, his successors or assigns, for the construction of a railroad over certain public land between the Adelaide Mine and the Great Republic Consolidated Mines, in Gold Run Mining District, County of Humboldt, State of Nevada.*

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Railroad right of way over public land granted. SECTION 1. The right of way, not to exceed one hundred feet in width, to lay out, construct, operate and maintain a line of iron railroad, together with the necessary sidetracks, switches, turnouts and turntables over, across and through unoccupied public land by such route as may be deemed most feasible and advantageous, from and connecting the Golconda and Adelaide Railroad, at the Adelaide Mine, to the Great Republic Consolidated Mines, in Gold Run Mining District, Humboldt County, State of Nevada, is hereby granted to E. L. Labadie, his successors or assigns.

Mode of operation. SEC. 2. That said railroad shall be operated by running thereon cars propelled by steam, gasoline or electricity.

Survey to be filed in Land Office. SEC. 3. That a copy of the survey of the route of said railroad shall be filed in the office of the Surveyor-General of the State within ninety days after and from the passage of this Act.

CHAP. LXVIII.—An Act to amend an Act entitled "An Act fixing the salaries and compensations of the officers of Elko County, and consolidating certain offices in said county, and to repeal all Acts in relation thereto," approved February 27, 1893.

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5 of said above-entitled Act is hereby amended so as to read as follows:

Section 5. On and after the first Monday in April, 1905, County Com-
missioners of
Elko County. the County Commissioners shall each receive the sum of four hundred dollars per annum, and such mileage as now allowed by law; *provided, however,* that whenever said Board of County Commissioners shall deem it advisable to appoint one or more of the Board to visit and inspect any county bridge or road or any locality where the construction of a county bridge or road is contemplated, for the purpose of inspecting such locality or such county bridge or road, and reporting regarding such construction or the repair, alteration or improvement of such bridge or road, or the acceptance of work already done thereon, such member or members so appointed by said Board shall receive his or their actual expenses in going to and from and inspecting said work and shall also receive the sum of three (3) dollars per day each, in addition to his salary and said expenses, while in the actual inspection of said work or contemplated work; *provided, however,* that in no event shall any sum of more than twelve (12) dollars be allowed in addition to their actual expenses while engaged in such inspection. Actual
expenses
allowed. Allowance
limited.

CHAP. LXIX.—An Act repealing an Act entitled "An Act fixing the time for the opening and closing of saloons and gaming houses," approved March 6, 1889.

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. That certain Act of the Legislature of the State of Nevada entitled "An Act fixing the time for the opening and closing of saloons and gaming houses," approved March 6, 1889, and all the provisions thereof, is hereby repealed. Repeal of 12
o'clock clos-
ing law.

CHAP. LXX—*An Act for the relief of P. L. Flanigan.*

[Approved March 13, 1905.]

Preamble. WHEREAS, In the year nineteen hundred and four W. S. Beard, then Assessor of Washoe County, settled in full for all poll tax received from the State Controller for Washoe County for that year; and

Lost poll-tax receipts. WHEREAS, During the said year one poll-tax book issued by the State Controller and charged to the said W. S. Beard, containing twenty-five blank receipts, which said receipts were delivered by the said Assessor, W. S. Beard, to P. L. Flanigan during the year 1904, and which receipts were lost, and no value or compensation was received for them by said P. L. Flanigan, said receipts being of the value of seventy-five dollars; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation of \$37.50 for P. L. Flanigan. SECTION 1. The sum of thirty-seven dollars and fifty cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the proportion received by the State for said poll-tax receipts, and the State Controller is hereby directed and required to draw his warrant for said sum of thirty-seven dollars and fifty cents in favor of P. L. Flanigan, and the State Treasurer is hereby authorized and required to pay the same.

Washoe County to pay P. L. Flanigan \$37.50. SEC. 2. The Board of County Commissioners of Washoe County are hereby directed and required to allow the claim of P. L. Flanigan in the sum of thirty-seven dollars and fifty cents, the proportion received by the county on allowance for said poll-tax receipts, and the Auditor of said county, on the allowance of said claim, is hereby directed to draw his warrant against the General Fund of said county for said amount, and the County Treasurer is hereby authorized and required to pay the same.

CHAP. LXXI.—*An Act to amend the title of, and to amend an Act entitled "An Act to incorporate the Town of Reno, and to establish a city government therefor," approved March 16, 1903.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amending Reno charter. SECTION 1. The title of the said Act entitled "An Act to incorporate the Town of Reno, and to establish a city government therefor," approved March 16, 1903, and of which said Act this Act is amendatory, is hereby amended so as to read as follows:

An Act to incorporate the Town of Reno, in Washoe County, and defining the boundaries thereof, and to authorize the establishing of a city government therefor, and other matters relating thereto.

Title amended.

SEC. 2. The said Act, entitled "An Act to incorporate the Town of Reno, and to establish a city government therefor," approved March 16, 1903, is hereby amended so as to read as follows:

ARTICLE I.

BOUNDARIES OF THE CITY AND OF THE WARDS, AND GENERAL POWERS.

SECTION 1. That on and after the passage of this Act, and for the uses and purposes hereinafter mentioned, the inhabitants of that portion of Washoe County, Nevada, embraced within the limits hereinafter set forth, shall remain, be and constitute a body politic and corporate by the name and style of the "City of Reno," and by that name and style they and their successors shall be known in law, have perpetual succession and sue and be sued in all courts. The boundaries of the said city shall include all the inhabitants, lands, tenements and property included in the southwest quarter of section one, and the south half of section two, and all of section eleven, and the west half of section twelve, and the northwest quarter of section thirteen, and the north half of section fourteen, the whole comprising an area or parallelogram one and one-half miles wide, measuring the area from east to west, and two miles in length, measuring the same from north to south, all in township nineteen north, range nineteen east, Mount Diablo base and meridian; and, also, such other and additional lands and tenements as may, at any time hereafter, be embraced or included within established limits of said city, as hereinafter provided.

SEC. 2. The City of Reno shall be divided into five wards ^{wards.} as follows: All that portion of the territory embraced within said limits of the city and lying south of the Truckee River, including all that part of "Scott Island" lying within the limits of said city, shall be and is hereby established as the First Ward. All that portion lying west of Sierra Street and between the Truckee River on the south and the main track of the Central Pacific Railway on the north, shall be and is hereby established as the Second Ward; *provided*, that the island in the Truckee River above the Virginia Street iron bridge shall be a part of and belong to said Second Ward. All that portion lying east of Sierra Street and between the Truckee River on the south and the main track of the Central Pacific Railway on the north, shall be and is hereby established as the Third Ward. All that portion lying east of Sierra Street and north of the main track of the Central Pacific Railway, shall be and is hereby established as the Fourth Ward, and all that portion lying west of Sierra Street

and north of the main track of the Central Pacific Railway, shall be and is hereby established as the Fifth Ward.

Powers of
city.

SEC. 3. The said city shall continue to have and be vested with all the rights, powers, property and things of every kind now belonging to it, and may have and use a common seal and the same alter at pleasure, and may purchase, receive, hold and enjoy real and personal property within or without the city, and sell, convey and dispose of the same for the common benefit; and may determine and declare what are public uses, for the purposes of the city, and when the necessity arises or exists of condemning lands or property therefor: and what are the lands and property necessary to condemn; and may receive bequests, devises, gifts and donations of all kinds of property; within or without the city, in fee simple or in trust, for charitable or other purposes, and do any, every and all acts and things whatsoever, necessary to carry out the purposes of such bequests, devises, gifts and donations, with full power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of such bequest, devise, gift, donation or trust.

ARTICLE II.

OFFICERS.

City officers.

SECTION 1. The officers of the city shall be:

Mayor.

Five members of the City Council.

City Attorney.

City Clerk.

Judge of the Municipal Court.

City Auditor, the Auditor of Washoe County being ex officio **City Auditor.**

City Treasurer, the Treasurer of Washoe County being ex officio **City Treasurer.**

City Assessor, the Assessor of Washoe County being ex officio **City Assessor.**

City Engineer and Superintendent of Streets, both offices to be filled by one person.

Chief of Police.

Chief of Fire Department.

Board of Health, consisting of not less than three nor more than five persons.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Executive
Department.

Qualifica-
tions of
Mayor.

SECTION 1. The corporate powers of the city, except as hereinafter stated, shall be vested in a Mayor and City Council. The Mayor shall be an actual and *bona fide* resident of the city for a period at least two years next preceding his election, and shall be an elector and taxpayer in the city, and he shall be chosen by the qualified electors thereof at large, whose names appear upon the official register as hereinafter

provided and who are actual *bona fide* residents of the city. The Mayor shall serve for a term of two years from and after Term. the date of his election and qualification and until his successor shall have been duly elected and qualified. The Mayor shall be the Chief Executive of the city and must exercise a careful supervision over its general affairs. He shall vigilantly observe the official conduct of all public officers and note the fidelity and exactitude or the absence thereof, with which they execute their official duties and especially in respect to the collection, administration and disbursement of the public funds, and all books, papers, records and documents of said city shall at all times be open to his inspection and any official misconduct or wilful neglect of duty shall be reported by him to the Council. He shall from time to time give the Council information in writing, relative to the state of the city and recommend such measures as he may deem beneficial to the city. He shall see that the general laws, the provisions of this charter and all ordinances, rules and regulations of said city are observed and enforced, and shall take all proper measures for the preservation of the public peace, order and the suppression of riots, tumults and all forms of public disturbances, for which purpose he is authorized to appoint extra policemen temporarily and to use and command the police force, or call upon the Sheriff of said county, or if such forces be inadequate, it shall be his duty to call upon the Governor for military aid in the manner provided by law.

SEC. 2. The Mayor, with the City Clerk or some member of the Council, may at least once each month, count the cash in the city treasury and see that such count corresponds with the books of the Treasurer, and report the result to the Council. He shall see that all contracts are faithfully kept and fully performed and to that end, and in any case where necessary or proper to protect the interests of the city, shall cause legal proceedings to be instituted or defended. He shall have the power to suspend any appointive officer for dereliction, neglect or non-performance of duty, and report such action and cause therefor to the Council at the first subsequent regular meeting, and if the Council by a majority vote approve the suspension such office shall be declared vacant. If a majority vote be against such approval, such suspension shall be revoked.

SEC. 3. The Mayor shall preside over the Council when in session and shall preserve order and decorum among the members and enforce the rules of the Council and determine the order of business, subject to such rules and to appeal to the Council. He shall not be entitled to a vote except in case of a tie, when he shall have a casting vote, except as provided in Section 3, Article XIII, of this charter. The Mayor may exercise the right of veto upon all matters passed by the Council, and it shall require a four-fifths vote of the

Duties.

To suppress
riots.Mayor to
count city
cash.To preside
over Council.Not to vote
except in
case of tie.

Veto power.

Proviso.

whole Council to pass any matter receiving the Mayor's veto. No resolution or contract requiring the payment of money, or any ordinance, shall go into force or have any effect until approved by the Mayor; *provided*, if the Mayor do not approve such resolution, contract or ordinance so submitted, he must, within five days from the receipt thereof, return the same to the City Clerk with his reasons in writing for not approving it, and if the Mayor do not so return it, such resolution or contract shall thereupon go into effect and such ordinance become a law in like manner and with the same effect as if the same had been approved by the Mayor.

Mayor to sign all licenses.

SEC. 4. The Mayor shall, in addition to the duties herein provided for, sign all licenses and claims allowed against the city and perform such other and further duties as the Council shall by ordinance prescribe. A Mayor pro tempore shall be elected by the Council from among its members, as soon after its organization as practicable, and in case of the absence of the Mayor or his inability to act, or a vacancy occurring in such office, the Mayor pro tempore shall preside over the Council and perform all duties appertaining to the Mayor's office, in the same manner and with like effect as the Mayor, and in case of the absence of the Mayor or his inability to act for any period exceeding thirty days, or in case of a vacancy in the Mayor's office, the salary provided for the Mayor shall be apportioned to the Mayor pro tempore for such period, in lieu of the salary allowed the Mayor pro tempore for such period as Councilman; *provided*, that the restrictions upon the right of the Mayor to vote shall not apply to the Mayor pro tempore while acting as Mayor.

Mayor to appoint certain officers.

SEC. 5. The Mayor shall, subject to confirmation by the Council, appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. The Mayor must nominate such appointments to the Council at the first subsequent meeting and in case the person so nominated is not confirmed by a majority vote, the Mayor shall nominate another and so on until the place is filled.

Salary.

SEC. 6. The Mayor shall receive a salary in the sum of six hundred dollars per annum.

ARTICLE IV.**CITY CLERK.****City Clerk.**

SECTION 1. There shall be a City Clerk who shall be elected by the qualified electors of the city at each general city election and he shall hold office for the term of two years and until his successor shall have been duly elected and qualified. No person shall be eligible for said office who shall not be a *bona fide* resident of the city for the period of at least three years next preceding his election, and who is not a citizen of the State and of the age of at least twenty-one years and a taxpayer and elector in said city.

Term.**Qualifications.**

SEC. 2. The City Clerk shall have the custody of all official bonds except his own, which shall be filed with the City Treasurer. He shall have the care and custody of all books, papers, documents, the corporate seal and all records not otherwise specially provided for. He shall be Clerk of the Council, attend all its meetings, whether regular or special, and record all its proceedings. He shall record in a journal all ordinances, by-laws, rules or resolutions passed or adopted by the Council, which journal, after being read and approved at each regular meeting, shall be signed by the Mayor and attested under the hand of the Clerk. He shall countersign all licenses and permits issued to any person or officer and shall charge such person or officer with the same. He shall keep a complete set of books exhibiting the financial conditions of the city in all its departments, resources and liabilities, with a proper classification thereof, and he shall be the general accountant of the city. He shall countersign and certify all claims for warrants drawn upon the Treasurer by the Mayor. He shall, when required, make and certify under the seal of the city, copies of any and all papers, documents or records in his custody and such copies shall be *prima facie* evidence of the matters therein contained, and the Clerk shall have the power to administer oaths and affirmations. All claims against the city shall be filed with the Clerk who shall report upon the same and on all matters pertaining to his office, at each regular meeting of the Council, or oftener as may be required. Such reports shall be in writing and under oath.

SEC. 3. In addition to the duties hereinbefore imposed, the City Clerk shall be the official License Collector of the city and shall collect for all city licenses and all other moneys making up the city revenues, except general taxes. All moneys belonging to the city (except general taxes) and collected by any person whomsoever, shall be at once paid over to the City Clerk, and the City Clerk shall promptly pay the same over, together with all moneys in his hands, to the City Treasurer. All special taxes, whenever and wherever practicable, shall be collected by the City Clerk. The time and manner of collection of special taxes and collection of licenses shall be fully provided for and fixed by ordinances. Whenever any person required by any city ordinance to take out a license, shall fail, neglect or refuse to do so, or shall carry on any licensed business, trade or calling without having procured the requisite license therefor, the City Clerk shall forthwith report such delinquent to the Council, who may cause an attachment suit in the name of the city to be brought against such delinquent, whereupon an attachment shall issue without bond on behalf of the city, and the Clerk may make the necessary affidavit for attachment. No fees shall be allowed any officer or person unless the same be made as costs from the defendant. The procedure and trial, except

Custodian of
other officers

Various
duties.

To keep
minutes of
Council.

Shall
countersign
all licenses
and claims.

Property
liable for
license.

One dollar
added to
delinquent
license.

Bond.

Salary.

Further
duties.

as above provided, shall be the same as in other civil cases of similar nature; *provided*, that any property in any place or building, where by ordinance the business in such place or building is required to pay a license, shall be liable for and may be taken on attachment or execution without regard to the actual ownership thereof, and any form of property, the business conducted with which is required by ordinance to pay a license, may be so taken on attachment or execution without regard to the actual ownership thereof. There shall be added to every license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become and be a part of the license and shall, with such license, be collected by the City Clerk.

SEC. 4. The City Clerk shall, before entering upon the discharge of his duties, execute to the city a good and sufficient bond for the faithful performance of his duties, which bond shall be in such sum and conditioned in such manner, and sureties thereon, approved by the Council.

SEC. 5. The City Clerk shall receive a salary in the sum of one thousand dollars per annum.

SEC. 6. The City Clerk shall perform such other and further duties as may be required of him by the Council, or prescribed by ordinance.

ARTICLE V.

CITY ATTORNEY.

City
Attorney.

Term, two
years.

Qualifica-
tions.

Legal
adviser of
all officers.

Shall prose-
cute all
offenses.

Shall draw
all ordi-
nances.

SECTION 1. There shall be a City Attorney, who shall be elected by the qualified electors of the city at each general city election and he shall hold office for the term of two years and until his successor shall have been duly elected and qualified. No person not a licensed and practicing attorney of the Supreme Court of this State, in good standing at the bar, a *bona fide* resident of the city and taxpayer therein, shall be eligible to the office of City Attorney.

SEC. 2. The City Attorney shall be the legal adviser of the Council and all officers of the city, in all matters respecting the affairs of the city. He shall act as the attorney for the city in any and all legal proceedings in any and all courts, in which the city is a party or interested. He shall prosecute in the proper courts for all offenses against the provisions of this charter, the ordinances of said city and shall perform such other and further duties as may be required of him by the Council, or prescribed by ordinance. He shall be present at all meetings of the Council, draw all ordinances, orders, rules and resolutions required by the Council. He shall verify and file for record all claims of the city for liens for assessments imposed for street improvements which remain unpaid, and shall preserve, protect and enforce the rights of the city by prosecuting suits for the foreclosure of the same in the proper courts, and shall receive all moneys

paid in by delinquents or otherwise realized in such proceedings, and shall, without delay, pay over all such moneys to the City Clerk.

SEC. 3. The Council may, in the exercise of its sound discretion, employ counsel to aid the City Attorney whenever in its judgment, the public interests shall require such employment and the expense thereof shall be allowed and paid in the same manner as other claims against the city. Additional counsel may be employed.

SEC. 4. The City Attorney shall receive a salary in the sum of nine hundred dollars per annum.

ARTICLE VI.

SECTION 1. The Assessor of Washoe County shall, in addition to the duties now imposed upon him by law, act as the Assessor of the city and shall be ex officio City Assessor, without further compensation. He shall perform such duties as the Council may by ordinance prescribe. County Assessor to be ex officio City Assessor.

ARTICLE VII.

CITY AUDITOR.

SECTION 1. The Auditor of Washoe County, shall, in addition to the duties now imposed upon him by law, act as Auditor of the city and shall be ex officio City Auditor, having the same power of veto as regards claims against the city allowed by the Council as is now provided by law in relation to claims against the counties and allowed by Boards of County Commissioners. The City Auditor shall sign all warrants issued and shall be the custodian of all blank licenses. All licenses shall be in printed form, with marginal stubs attached, and stitched together in books. The City Auditor shall deliver them from time to time to the City Clerk, who shall collect for the same. The City Auditor shall charge the City Clerk with the face or representative value of all blank licenses so delivered, and credit him at the same rate for as many thereof only as said City Clerk shall return to the City Auditor at the time of the settlement of the account of the City Clerk. County Auditor to be ex officio City Auditor. Custodian of all blank licenses.

SEC. 2. The City Auditor shall keep an accurate record and account of all warrants and orders drawn upon the City Treasurer, in such manner that the Council can, at any time, ascertain the actual outstanding indebtedness. The City Auditor shall draw his warrant for all claims allowed by the Council, signed by the Mayor, certified by the City Clerk, and approved by him, upon the City Treasurer, and shall perform such other and further duties as may be required, or prescribed by ordinance of the Council. He shall receive as full compensation for his services a sum of three hundred dollars per annum. Shall keep accurate record of all accounts. Salary.

ARTICLE VIII.

CITY TREASURER.

County
Treasurer to
be ex officio
City Treas-
urer.

Shall receive
all city
moneys.

Reno Gen-
eral Fund.

Shall cancel
warrants.

Books to be
examined.

Bond.

Salary.

SECTION 1. The Treasurer of Washoe County shall, in addition to the duties now imposed upon him by law, act as Treasurer of the City and shall be ex officio City Treasurer and Tax Receiver. He shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and shall pay the same out, only on claims duly allowed, except the principal and interest of any municipal bonded indebtedness.

SEC. 2. All taxes, fines, forfeitures or other moneys collected or recovered by any officer or person under or by virtue of the provisions of this charter or of any ordinance of the city, or by or under any law, and all moneys received or collected shall without delay be paid by the City Clerk, person or officer receiving the same, to the City Treasurer, who shall keep an accurate account thereof and give itemized receipts therefor in duplicate, one of which shall be given to the City Auditor immediately for the more perfect keeping of his accounts, and the information of the Council, and the other of said duplicate receipts shall be given to the officer or person so paying in such money. All such money shall be placed by the Treasurer in a fund to be known as the Reno General Fund; and shall be so kept intact and not commingled with other moneys or in any manner disposed of except as paid out upon proper warrants and claims against the city, including the principal and interest of any municipal bonded indebtedness.

SEC. 3. On paying any warrant, the Treasurer shall write or stamp across the face thereof, in red ink, the word "Redeemed" with the date of such redemption and sign his name thereto officially and the warrant so canceled shall be a sufficient voucher for the Treasurer as to the amount so paid, in his official settlements with the city, which shall take place annually on the fourth Monday in December of each year, or oftener as may be required by the Council. The Mayor, City Clerk, or any member of the Council may at any time examine the books and vouchers of the Treasurer, concerning the state of the finances and moneys in the hands of the Treasurer, belonging to the city.

SEC. 4. The City Treasurer shall, before entering upon the discharge of his duties, execute to the city a good and sufficient bond, with sureties approved by the Council; said bond to be in such sum and conditioned as may be required by the Council. The City Treasurer shall perform such other and further duties as may be required, or be prescribed by ordinance, and he shall receive as full compensation the sum of three hundred dollars per annum.

ARTICLE IX.

POLICE DEPARTMENT.

SECTION 1. There shall be a Chief of Police of said city who shall be appointed by the Mayor, subject to confirmation by the Council. He shall be an actual *bona fide* resident and elector of the city, of the age of not less than thirty years, a taxpayer in the city and citizen of the State. The Chief of Police shall have power to appoint an Assistant Chief of Police, by and with the consent and subject to the confirmation of the Council, and also, to appoint the necessary number of policemen required by the Council, such appointees to be subject to approval and confirmation of, and salaries or compensation fixed by, the Council.

SEC. 2. The Chief of Police shall have command and control of the police force of the city, and may suspend any police officer for cause pending investigation by the City Council. He shall be vigilant in the detection of crimes and the speedy apprehension of all criminals and offenders, and shall diligently see that all ordinances of the city of a police nature, the general laws and the provisions of this charter, are rigidly enforced and observed.

SEC. 3. The Chief of Police shall execute all process issuing from the Municipal Court. In his absence or inability to act, his assistant may act. The Chief of Police shall before entering upon the discharge of his duties, furnish a bond to the city which shall apply in like manner to any assistant acting in his stead. Said bond shall be in a sum and conditioned as the Council shall require, and be approved by the Council. The duties of Chief of Police may be more fully defined and provided for by such ordinances as the Council shall from time to time enact. The Chief of Police shall receive a salary in the sum of fifteen hundred dollars per annum.

ARTICLE X.

FIRE DEPARTMENT.

SECTION 1. There shall be a Chief of the Fire Department, who shall be a citizen of the State, a *bona fide* resident in the city for a period of at least three years next preceding his appointment, a taxpayer of and qualified elector in said city. He shall be appointed by the Mayor, subject to confirmation by the Council. He shall give his entire time and attention to the duties of his office, and shall see that all rules, regulations, laws and ordinances concerning the department are carried into effect and observed. He shall diligently observe the condition of all apparatus in use by the department, and, from time to time, shall report to the Council, with his recommendations for the betterment of the depart-

Chief of Fire Department.

Shall give entire time to duty.

To appoint firemen. ment and to increase its efficiency. He shall have power, subject to confirmation by the Council, to appoint the necessary number of firemen as may be required by the Council.

To have command. SEC. 2. The Chief of the Fire Department shall have command and control of the Fire Department, and shall exert himself to protect property from fire and generally to exercise the utmost vigilance for the safety of the city against conflagrations. The Council shall have power to enact ordinances authorizing the Chief of the Fire Department to command the aid and assistance of any person or persons present at a fire, and to punish disobedience of the orders of the Chief of the Fire Department.

May impress citizens. SEC. 3. The Chief of the Fire Department in charge thereof at any fire, may cause any building or structure to be pulled down or destroyed, when deemed necessary by him to arrest the progress of fire, and no action can be maintained against him or the city therefor; but if any person having an interest in the building or structure shall apply to the Council within three months after such fire, for damages or compensation for such building or structure, the Council may, in its discretion, pay him such sum as it shall deem just. The Council may ascertain such damages by agreement with the owner, by arbitration or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use, and the Council shall have the power to cause the amount of any damages or any portion thereof, so determined, to be defrayed by a special assessment upon the property which in the judgment of the Council was protected, saved or benefited by the destruction of such building or structure, but no damages shall be paid for any loss which would probably have occurred to such building or structure, if it had not been pulled down or destroyed.

Owners reimbursed. SEC. 4. The Council may provide suitable compensation for any injury which any fireman or other person may receive to his person or property in consequence of the performance of his duty at any fire, and while acting under the orders of the Chief of the Fire Department.

Exception. SEC. 5. The Council may purchase and provide suitable fire engines and such other apparatus, instruments, horses, harness and all necessary means for the use of the Fire Department as may be required for the extinguishment of fires; and may sink wells, construct cisterns and reservoirs in the streets, public grounds and other suitable places, within or without the city, and make all necessary provisions for a convenient, sufficient and proper supply and force of water for the use of the Fire Department.

Compensation for injuries. SEC. 6. The Council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, horses and apparatus of the Fire Department.

Council to purchase suitable apparatus. SEC. 7. The Chief of the Fire Department may, with the

Buildings.

consent and subject to the confirmation of the Council, ^{Assistant Chief.} appoint an Assistant Chief of the Fire Department, who shall have all the powers and duties of the Chief, during the absence or inability of such Chief to act. The salary of such Assistant and all firemen shall be fixed by ordinance. The Chief of the Fire Department shall receive a salary in ^{Salary of Chief.} the sum of fifteen hundred dollars per annum.

ARTICLE XI.

CITY ENGINEER AND SUPERINTENDENT OF STREETS.

SECTION 1. There shall be a City Engineer, who shall be a citizen of the State, a *bona fide* resident and qualified elector of the city. He shall have had no less than three years practical experience as a civil engineer, next preceding his appointment. The City Engineer shall be appointed by the Mayor, subject to confirmation by the Council.

SEC. 2. The City Engineer shall perform all the engineering and surveying required by the city, in the carrying on of any public works and improvements. All maps, plats, profiles, field notes, estimates and all other memoranda of surveys and other professional work made or done by him or under his direction or control, shall be and continue to be the property of the city. He shall be the custodian of all maps, plats, profiles, field notes and other documents and records, memoranda and papers belonging to the city pertaining to his office and the work thereof, all of which shall be kept in proper order and condition fully indexed for easy and ready reference. The City Engineer shall perform such other and further duties as the Council may require or which shall be prescribed by ordinance.

SEC. 3. As Street Superintendent the City Engineer shall see that all laws, ordinances, rules and regulations concerning the public streets, highways, alleys and roads within the city are observed and that the penalties for any breach thereof are rigidly enforced. He shall superintend and direct the sweeping, cleaning and sprinkling of the streets, the cleansing and flushing of sewers and have general care of the streets, alleys and highways of the city, and, from time to time, make such recommendations as to their betterment and improvement as he shall deem proper. It shall be his duty to enforce all rules, regulations and ordinances pertaining to the streets, alleys, highways, roads and sidewalks in the city, and to receive, investigate and act on all complaints concerning the same. He shall inspect all street improvement or sidewalk improvement works carried on by the city or individuals, and shall have power to approve, reject, change or alter the same and to inspect, approve, reject or alter the material used therein or the manner of the construction thereof. He shall report to the Council from time to time and whenever required and shall perform such other and further duties as may be

^{City Engineer.}
Qualifications.

All maps,
etc., to be
property
of city.

Further
duties.

Shall
enforce all
laws regard-
ing streets.

To report to
Council.

required by the Council or which may be prescribed by ordinance.

Salary. SEC. 4. The City Engineer and Superintendent of Streets shall receive a salary in the sum of fifteen hundred dollars per annum.

ARTICLE XII.

LEGISLATIVE DEPARTMENT.

Formation of City Council. SECTION 1. The legislative power of the city except as hereinbefore provided, shall be vested in a City Council, consisting of five members who shall hold office for the term of two years, subject to the exception stated in the next section. They shall be citizens of the State, *bona fide* residents of and taxpayers in the city and qualified electors thereof. They shall be chosen by the qualified electors of their respective wards, whose names appear upon the official register as electors of such ward and residents thereof within the corporate limits of said city; *provided*, that no person shall be eligible for the office of Councilman who shall not have been an actual *bona fide* resident in the ward to be represented by him, for the period of at least six months next immediately preceding the date of such election.

Qualifications. SEC. 2. Of the Councilmen elected hereunder at the next general city election, the one elected from the First Ward shall serve for the term of four years from and after the date of his election; the one elected from the Second Ward, the one elected from the Third Ward, the one elected from the Fourth Ward and the one elected from the Fifth Ward shall serve for the term of two years from and after the date of their election.

Terms of Councilmen under first city election.

At the next subsequent general city election after the election last above mentioned, the Councilman elected from the Second Ward shall serve for the term of four years from and after the date of his election. At the next subsequent general city election after the election last above mentioned, the Councilman elected from the Third Ward shall serve for the term of four years from and after the date of his election. At the next subsequent general city election after the one last above mentioned, the Councilman elected from the Fourth Ward shall serve for the term of four years from and after the date of his election, and at the next subsequent election after the election last above mentioned, the Councilman elected from the Fifth Ward shall serve for the term of four years from and after the date of his election, and thereafter, the election of a four-year-term Councilman shall alternate between the said wards, commencing with the First Ward and thenceforth at each subsequent general city election in the order as named above. At each general city election after the election in this section first mentioned, four Councilmen shall be elected to succeed those whose terms are about to expire.

Four Councilmen at each election.

SEC. 3. Any vacancy occurring in the office of Council-

man, shall be filled by the Mayor and Council at the first regular meeting after such vacancy, when the Council and the Mayor, who shall have the same voting power thereon as a Councilman, shall by a majority vote, elect some person possessing the requisite qualifications as hereinbefore prescribed, who shall hold said office until the election and qualification of a Councilman therefor at the next general city election; *provided*, that if a vacancy shall occur at any time during the first two years of any four-year-term Councilman, the Council and Mayor shall elect some person possessing the requisite qualifications, to fill such office until the next general city election and until his successor is elected and qualified, at which said election the electors of the ward for which such vacancy occurred shall elect some person possessing the requisite qualifications, who shall serve out the balance of the term, as provided in the preceding section.

SEC. 4. A majority of all members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and with the approval of the Mayor, compel the attendance of the absent members. The Council may adopt rules for the government of its members and proceedings. It must keep a journal of all its proceedings and upon the call of any one member, or the Mayor, must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its deliberations, sessions and proceedings must be public. The Councilmen shall receive a salary of three hundred dollars per annum.

SEC. 5. The Council shall hold regular meetings on the second and fourth Mondays of each month and shall continue in session from day to day until the unfinished business of each regular meeting shall have been fully and finally disposed of as far as practicable. Special meetings may also be held on a call of the Mayor or by a majority of the Council; *provided*, that no contract involving the expenditure of money shall be made, or any ordinance passed or any claim allowed at any such special meeting; and *provided further*, that no business shall be transacted at such special meeting except such as shall be stated in the call therefor.

SEC. 6. Upon the passage of ordinances, or any resolution appropriating money, allowing claims, granting, denying, increasing, decreasing, abolishing or revoking licenses or changing the rate or terms of licenses, the yeas and nays shall be taken and the Clerk shall enter the same and the vote of each member, as well as the Mayor's vote in case of a tie, in the journal.

SEC. 7. The style of ordinances shall be as follows: "The City Council of the City of Reno do ordain," and all proposed ordinances, when first proposed, shall be read aloud, in full, to the Council, and then laid over until the next regular meeting for adoption or rejection. All ordinances shall be signed by the Mayor and be published in full,

Vacancies
filled by
Mayor and
Council.

Quorum.
Journal
must be kept.

Public
sessions.

Salary of
Councilmen.

Regular
meetings.

Special
meetings.

Proviso.

Yea and
nays must
be taken.

Style of
ordinances.

Publication

together with the votes cast thereon, in some daily newspaper published in the city, for the period of at least one week, before the same shall go into effect.

Power to
punish for
contempt.

SEC. 8. The Council shall have the power to punish any person or member thereof, for disorderly conduct in its presence, and to compel the attendance of witnesses and the production of all papers relating to any business before the Council; and may punish disobedience of its subpoena, or any contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars or imprisonment not exceeding fifteen days, or by both such fine or imprisonment. The Mayor, Mayor pro tempore while acting in the stead of the Mayor, and the City Clerk shall have power to administer oaths and affirmations relating to any business pertaining to the city before the Council or to be considered by it.

Restrictions
as to method
of passing
ordinances.
etc.

SEC. 9. No ordinance shall be passed except by bill and when any ordinance is amended, the section or sections thereof shall be reenacted as amended, and no ordinance shall be revised or amended by reference only to its title. Every ordinance shall embrace but one subject and matters necessarily connected therewith and pertaining thereto, and the subject shall be clearly indicated in the title and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Powers of
City Council.

SEC. 10. The City Council, among other things, shall have power:

Meetings
and mem-
bers.

First—To fix the place of its meetings and the time for calling same to order, and to judge of the qualifications and election of its own members.

To pass
ordinances.

Second—To make and pass all ordinances, resolutions and orders, not repugnant to the Constitution of the United States, or of the State of Nevada, or to the provisions of this charter, necessary for the municipal government and the management of the city affairs, for the execution of all the powers vested in said city and for making effective the provisions of this charter.

To levy tax.

Third—To levy and collect annually, a tax of not to exceed one per cent upon the assessed value of all real and personal property within the city, and which is by law taxable for State and county purposes.

To control
property.

Fourth—To sell, use, lease, improve, hold and take care of the real estate and personal property of the city; *provided*, the Council shall not have power to mortgage, hypothecate or pledge any property of the city for any purpose.

Proviso.

Fifth—To lay out, extend, change the grade, open, vacate, and alter the streets and alleys within the city, and by ordinance require and provide for the macadamizing, oiling, curbing, graveling, grading and regrading, paving, draining, cleaning, repairing, lighting, surfacing and resurfacing, and widening any highway, street or alley or otherwise improving

To regulate
streets and
alleys, etc.

same; also to provide by ordinance the improvement and preservation of the city parks and the construction, repair and preservation of sidewalks, crossings, bridges, drains, curbs, gutters, and sewers; for the prevention and removal of obstructions from the streets and sidewalks of the city; and to regulate and prohibit the placing of signs, awning-posts, show windows and other things upon and over sidewalks and regulate and prohibit the construction and use of openings in the streets and sidewalks, and all vaults, structures and excavations in and under the same, and to prevent, prohibit and remove all obstructions and nuisances upon the sidewalks, streets and alleys within the city limits; and for that purpose and for the purpose of defraying the expense thereof may divide the city into districts.

Such part of the expenses of improving any streets, lanes, avenues or alleys by grading, paving, graveling, curbing, constructing sidewalks or otherwise improving the same, as the Council shall determine, may be paid from the General Fund, Street Fund, or District Street Fund, from the proper street district, or the said cost, or a portion thereof, as the Council shall determine, may be defrayed by special assessments upon lots and premises fronting upon that part of the street or alley so improved or proposed so to be, or the lands fronting upon such improvement and such other lands as in the opinion of the Council may be benefited by the improvement. When the City Council shall determine to make any public improvements, such as laying pavements, constructing sewers, drains or sidewalks and curbings, macadamizing, oiling, graveling or grading any streets or alleys or in any way improving the same, and defray the whole or any part of the costs or expenses thereof by special assessment, they shall so declare by ordinance, stating the improvements and what part or portion of the expenses thereof shall be paid by special assessments and what amount shall be paid out of the General Fund, Street Fund, District Street Fund or any other fund.

When expenses for such improvements or repairs shall be assessed, and there shall be lands belonging to the city, school buildings, or other public building, or public grounds not taxable, fronting on such improvements, such part of the expenses of such improvements as in the opinion of the Council or Assessor making such special assessment would be justly apportionable to such public grounds, buildings and city property and to any interior, squares or spaces formed by the intersection of streets where they are taxable, shall be paid from the General Fund or from the proper Street or District Street Fund or part from each, as the Council shall determine to be just, and the balance of such expense shall be assessed upon the taxable lots and premises fronting upon such improvement or improved streets in proportion to their number of feet frontage; or, if the special assessment shall

Assessment
to be just.

include other lands not fronting upon the improvement, then upon all the land included in such special assessment, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if, from the shape or size of any lot, the assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the Council or Assessor, making the assessment, may assess such lots or such number of feet frontage as in their opinion would be just.

Public
buildings.

The cost and expense of the following improvement, including the necessary land therefor, viz., for City Hall and other public buildings for the use of the city, officers, engine houses and structures for the Fire Department, water works, City Prison, levees and embankments, shall be paid from the proper General Fund of the city; except that, in case of lands appropriated for streets and rights of way, the cost thereof may be paid in whole or in part from the avails of special assessment to be levied therefor in the manner herein prescribed. Whenever, in the opinion of the City Council, the benefits thereof are special rather than general or public, when by the provisions of this Act the cost and expense of any local improvements may be defrayed in whole or in part by special assessment upon lands fronting and adjacent to or otherwise benefited by such improvement, such assessment may be made in the manner hereinafter specified.

Public
improve-
ments.

When the City Council shall determine to make any public improvement or repairs, in the laying of pavements, or constructing sidewalks or in any way improving the streets in the city and defray the whole or any part of the cost and expenses thereof by special assessments, they shall so declare by ordinance, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the General Fund of the city, or from the Street Funds, or District Street Funds, and whether the assessment is to be made according to benefits or frontage, and in case the assessment is to be made according to benefits they shall by apt description designate the district if a special district is set apart therein including the lands to be so assessed; or in case there is no district so set apart they shall describe definitely the location of the improvement and state that the assessment is to be made upon all the lands benefited thereby according to benefit; but in case the assessment is to be upon the property according to the frontage it shall be sufficient in said ordinance to so state with a definite location of the improvements to be made. It shall not be necessary in any case to describe minutely in the ordinance each particular lot to be assessed, but simply to so designate the property, district or the location that the various parts to be assessed can be ascertained and described by the City Assessor.

Before ordering any public improvement or repairs as provided in the last preceding section, any part of the expense of which is to be defrayed by special assessment, the Council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the City Clerk for public examination; and they shall give notice thereof and of the proposed improvement or work and of the location of the improvement and of the district to be assessed by publication for two weeks at least in one of the newspapers of the city, by posting printed notices of the same in at least three of the most public places in each ward, and also a notice in or near each postoffice of said city, and three notices near the site of said proposed work in some public and conspicuous place, and of the time when the Council will meet and consider any suggestions and objections that may be made by parties interested with respect to the proposed improvements. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered except by the concurrence of four-fifths of the members of the City Council.

Estimates
of cost of
public
improve-
ments.

Notice to be
given by
publication
in news-
papers.

In all cases where the Board of Health or other officials of the city, or the City Council are authorized to so do, or cause to be done, certain things, the whole or any part of which may be charged as a special assessment upon property, and where special provisions for making the levy are not herein made, the Council may cause sworn statements of the cost thereof, and of the location thereof, to be made as provided in the last paragraph and may at their option refer the same to the City Assessor and have the same assessed against such property.

Sworn state-
ments may
be demanded

The cost and expenses of any improvement which may be defrayed by special assessments shall include the cost of surveys, plans, assessments, and cost of construction. In no case shall the whole amount be levied by special assessment upon any lot or premises where any one improvement exceeds twenty per cent of the value of such lands as last before valued and assessed for State and county taxation in the county tax roll. Any cost exceeding that per cent which would otherwise be chargeable upon said lot or premises shall be paid from the general funds of the city. The Council shall prescribe the fees and compensation that may be charged in the work of making any special assessment as part of the assessment.

No improve-
ment to
exceed 20
per cent of
value of
property.

No contract for doing the work or making the improvement contemplated herein shall be made or awarded, nor shall the Council incur any expense or liability in relation thereto until after the notice and hearing provided for herein shall have been given or had. But nothing herein contained shall be construed as preventing the Council from advertising for proposals for doing the work whenever they see fit, provided

No contract
awarded
without
public
hearing.

the contract shall not be made or awarded before the time herein stated.

City Assessor to assess pro rata cost of improvements. When any special assessment is to be made pro rata upon the lots or premises in any special assessment district, according to frontage or benefits the Council shall, by ordinance, direct the same to be made by the City Assessor, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises or the locality constituting the district to be assessed; in fixing the amount or sum of money that may be required to pay the costs of any improvement, the Council need not necessarily be governed by the estimates of such improvement provided for herein, but the Council may decide upon such other sum, within the limitations described, as they may deem necessary to cover the cost of such improvement.

City Assessor to make out special assessment roll. Upon receiving such order and directions the City Assessor shall make out an assessment roll, entering and describing all lots, premises and portions of land to be assessed with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the Council and the provisions of this Act applicable to the assessment; *provided*, in all cases where the ownership thereof is unknown to the Assessor he shall in lieu of the name of the owner, insert the name "unknown"; *provided, also*, if by mistake or otherwise any person shall be improperly designated as the owner of any lot or premises, or if the same shall be assessed without the name of the owner, or the name of the person other than the owner, such assessment shall not for any cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been conformed [confirmed] shall be a lien on such lot, parcel of land or premises, and collected as in other cases.

Proportionate assessment. If the assessment is required to be according to the frontage, the City Assessor shall assess each lot or parcel of land or such relative portion of the whole amount to be levied as the length of front of such premises fronting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size of any lot or lots an assessment for a different number of feet would be more equitable; and the frontage of all lots to be assessed shall be deemed to be the aggregate number of feet as determined upon for assessment by the City Assessor. If the assessment is directed to be according to benefits, the City Assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

When the Assessor shall have completed the assessment he

shall report the same to the Council. Such reports shall be signed by him and made in the form of a certificate and endorsed on the assessment roll, as follows:

STATE OF NEVADA, } ss.
City of Reno. }

To the Council of the City of Reno: I hereby certify and ^{Assessor's certificate.} report that the foregoing is the assessment roll, and the assessment made by me pursuant to an ordinance of the Council of the said city, adopted (give date), for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessment for the purpose of paying the costs of (e. g.) for paving Virginia Street from First Street to Fourth Street in said city (as the case may be), (or constructing a sewer on Sierra Street), (or as the case may be). That in making such assessment, I have as near as may be and according to my best judgment conformed in all things to the directions contained in the ordinance of the Council hereinbefore referred to, as well as to the charter of the city relating to such assessment.

Dated Reno, Nevada,, A. D. 190.....

, City Assessor.

When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this Act, the Council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land, an account of the labor or services such expense was incurred, verified by the officer or person performing the services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, or the name of the owner or person, if known, chargeable therewith, shall be reported to the Council in such manner as the Council shall present. And the provisions of the previous subdivisions with reference to special assessments generally and the proceedings necessary to be had before making the improvement, shall not apply to the assessments to cover the expense incurred, in respect to that class of improvements contemplated in this subdivision.

The Council shall determine what amount or part of every expense shall be charged and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the Council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively to be reported by the City Clerk to the City Assessor for assessment.

Upon receiving the report mentioned in the preceding subdivision the City Assessor shall make a special assessment

Assessor to
make special
assessment
roll.

roll and levy a special assessment therein upon each lot or parcel of land so reported to him and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises, respectively, and when completed he shall report the assessment roll to the Council. When any special assessment shall be reported by the City Assessor to the Council, as in this section and subdivision directed, the same shall be filed in the office of the City Clerk and numbered. Before adopting the assessment the City Council shall cause notice to be published for two weeks at least in some newspaper of the city of the filing of the same with the City Clerk, and appointing a time when the Council and Assessor will meet to review the assessments. Any person objecting to the assessment may file his objections thereto in writing with the City Clerk. The notice provided for in this subdivision may be addressed to the persons whose names appear upon the assessment roll and to all others interested therein, and may be in the following form:

Notice of Special Assessment.

Notice of
special
assessment.

To (insert the names of the persons against whom the assessment appears) and to all persons interested, take notice:

That the roll of the special assessment heretofore made by the City Assessor for the purpose of defraying that part of the costs which the Council decided should be paid and borne by special assessment for the (e. g., paving Virginia Street to Fourth Street in said city) or (constructing a sewer on Sierra Street between First Street and Fifth Street) or (as the case may be), is now on file at my office for public inspection. Notice is hereby given that the Council and City Assessor of the City of Reno will meet in the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated....., City Clerk.

Council and
Assessor to
review
assessment.

At the time appointed for the purpose aforesaid the Council and City Assessor shall meet and there or at some adjourned meeting review the assessment; and shall hear any objection to said assessments which may be made by any person deeming himself aggrieved thereby, and shall decide upon the same; and the Council may correct the same as to any assessment or description of the premises, appearing therein, and may confirm it as reported or as corrected, or they may refer the assessment back to the City Assessor for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the City Clerk shall make an endorsement upon the roll showing the date of confirmation which shall be in the following words: "Special assessment roll for the (describing fully what the

assessment is for) as approved by the Council (the.....day of(month), 19...., affixing the time). Dated....., City Clerk."

Sixth—When any special assessment roll shall be confirmed by the Council it shall be final and conclusive; but no such assessment shall be confirmed except by concurrence of four-fifths of the members of the City Council. Said roll when so endorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof and of the validity of said assessment and assessment roll.

All special assessments shall, from the date and confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed and shall be charged against the persons to whom assessed until paid. Upon the confirmation of any assessment the amount thereof may be divided into not more than four installments to be collected quarter yearly, or one of such installments may be collected each year, at such time as the Council may determine, with annual interest at a rate not exceeding seven per cent.

All special assessments, except such installments thereof as the City Council shall make payable at a future time, as provided in the preceding subdivision, shall be due and payable on confirmation.

Should any lots or lands be divided after a special assessment thereon shall have been confirmed and divided into installments and before the collection of the installments, the City Council may require the City Assessor to apportion the uncollected amounts upon the several parts of land so divided. The report of such apportionment when confirmed shall be conclusive on all the parties, and all assessments thereafter made upon such lots or lands shall be according to such subdivision.

Should any special assessment prove insufficient to pay for the improvement or work for which it is levied and the expenses incident thereto, the amount of such deficiency shall be paid from the General Fund in the treasury of the city; and in case a greater amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.

Whenever any special assessment shall, in the opinion of the City Council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessments to be illegal, the City Council shall, whether the improvement has been made or not or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof shall be conducted in the same manner as provided for special assessment in this Act.

Whenever any sum or any part thereof levied upon any

Special
assessment
to be con-
firmed by
four-fifths
of Council.

Special
assessments
to constitute
lien.

Assessor to
apportion
uncollected
amounts.

Deficiencies,
how paid.

Excess, how
disposed of.

New assess-
ment, when.

Unrefunded assessment, how applied. premises in the assessment so set aside has been paid and not refunded the payment so made shall be applied upon the reassessment on said premises; and the assessment to that extent be deemed satisfied.

Lien not impaired. No judgment or decree nor any act of the City Council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceedings might have been lawfully assessed thereon.

Assessment, how collected. When any special assessment shall be confirmed and be payable the City Council may direct the City Clerk to report to the City Assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and to require the City Assessor to levy the several sums so assessed as a tax upon the several lots or premises to which they were assessed respectively. Upon receiving such report, the City Assessor shall levy the sums therein mentioned upon the respective lots and premises to which they were assessed and against the persons chargeable therewith as a tax in the general assessment roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said assessment roll shall be collected and enforced with the other taxes in the assessment roll, and in the same manner and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper funds; *provided*, that at any time after the special assessment has become payable the same may be collected by suit in the name of the City of Reno against the person assessed in any court of competent jurisdiction. The special assessment roll and the certified ordinance or resolution confirming shall be *prima facie* evidence of the regularity of the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Proviso.

Irregular assessment, how recovered. If in such action provided for in the preceding subdivision it shall appear by reason of any irregularity or informality the assessment has not been properly made against the defendant, or the lot or the premises sought to be charged, the court may, nevertheless, on satisfactory proof that the expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

Construction of fifth and sixth powers.

In construing the fifth and sixth powers of section ten, article twelve, anything in this Act contrary thereto shall not be deemed in conflict with the provisions of said powers.

Fire Department.

Seventh—To organize, regulate, maintain and disband a Fire Department; to provide for the extinguishment of fire and protection against the same; to regulate or prohibit the

storage of gunpowder or other explosive, combustible or inflammable material within, or transported through, the city, and to prescribe the distance from said city where the same may be stored, held or kept; to regulate the selling, using or keeping of firecrackers, fireworks, and the giving of any exhibition of fireworks within the city limits and any designated portion thereof.

Eighth—To determine by ordinance, what shall be deemed nuisances, and to provide for the abatement, prevention and removal of the same by the city or at the expense of the parties creating, maintaining, causing or committing such nuisances, and to provide for the penalty and punishment of the same.

Ninth—To provide for safe-guarding the health of the city. For this purpose, the Council may appoint a City Board of Health and by ordinance, prescribe its duties and powers.

Tenth—To fix, impose and collect a license tax on and to regulate all character of lawful trades, callings, industries, occupations, professions and business, conducted in whole or in part within the city, including all theaters, theatrical or melodeon performances and performances of any, every and all kinds for which an admission fee is charged, or which may be held in any house, place or enclosure where wines, spirituous, malt, vinous or intoxicating liquors are sold or given away; circuses, shows, billiard tables, pool tables, bowling alleys and all exhibitions and amusements. To fix, impose and collect a license tax on and regulate all taverns, hotels, restaurants, chop houses, cafés, saloons, eating houses, lunch counters, bar-rooms, lodging houses accommodating four or more lodgers, manufacturers, laundries, livery stables, sale stables, cattle or horse corrals, express companies, telegraph and telephone companies, oil wells or tanks, oil refineries, tanneries, foundries, brick yards, pressed-brick yards, street railway companies operating in whole or in part within the city. To fix, impose and collect a license tax on and regulate auctioneers and stock brokers. To fix, impose and collect a license tax on, regulate, prohibit or suppress all tippling houses, dram-shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, except those dealing in their own agricultural products of this State. To fix, impose and collect a license tax on, regulate, prescribe the location of or suppress, all saloons, bar-rooms, gambling games, tippling houses, dram-shops, any and all places where intoxicating drinks are sold or given away, street fakers, street peddlers, except as above stated, fortune tellers, mediums, astrologers, palmists, clairvoyants, phrenologists, pawn shops, pawn brokers, oil wells, oil tanks, oil refineries, soap manufacturers, brick yards, livery, feed or sale stables, cattle or horse corrals, foundries and machine shops. To prohibit and suppress all dog fights, prize-fights, cock-fights, bear, bull or badger baits, sparring

To designate
and suppress
nuisances.

Licensing of
various
trades, pro-
fessions, call-
ings and
business.

Licensing of various trades, professions, callings and business.

and sparring contests. To regulate, prohibit, prescribe the location of and suppress, all houses of ill-fame, hurdy-gurdy houses, bawd houses, and any and all places where persons resort to for lewd or lascivious purposes, or purposes of lewdness or prostitution, including dance houses and saloons having special attractions, such as music or otherwise. To fix, impose and collect a license tax on and regulate all lawful professions, trades, callings and business whatsoever, including grocers, merchants of any, every and all kinds, trades and traders of all kinds, hotels, butcher shops, slaughter-houses, wood and fuel dealers, coal dealers, sewing machine agents, marble or stone dealers, saddle or harness makers or shops, cigar stores, stationery stores, confectionery stores, newspaper stands, plumbing shops, tin shops when separate from hardware stores, hardware stores, paint or oil stores, bicycle shops, repair shops, cycleries, warehouses, cold storage plants, daily, weekly, semi-weekly, monthly and semi-monthly newspapers or publications, ice peddlers, insurance companies, fire, life, and accident, and agents or solicitors for the same, surety companies and agents or solicitors for the same, shooting galleries, upholsterers, soap factories, barber shops, collection agencies and collectors, carpet cleaners, photographers, wagon makers, wheelwrights, blacksmith shops, horseshoeing shops, tailors and tailor shops, shoe shops, cobblers, tinkers, cloth-cleaning and dyeing establishments, all billiard or pool games or other or any table games played with cue and balls or other mechanical device, bakeries, milliners, gunsmith shops, steam renovating works, dressmaking establishments, railroad, telegraph and telephone companies, stage companies, electric light, water and power companies, bankers, brokers of any, every and all kinds, electrical supply houses, job printers, manufacturers of soda water or other or any soft drinks, or of beer, malt, spirituous or vinous liquors or other or any alcoholic beverages, brewing companies, brewing agencies, patent medicine agencies, agencies of any and all kinds, wholesale liquor houses, ore purchasers or brokers, sampling works, flour mills, city express and job wagons, draymen, second-hand stores, messenger service establishments, contractors, contracting mechanics or builders, sash and door factories, planing mills, machine shops, car shops, building and loan companies and agents or solicitors for the same, real estate agents, real estate solicitors, popcorn, peanut, delicatessen, fruit and lemonade stands, refreshment or coffee stands, booths and sheds, dry goods stores of every, any and all kinds, boot and shoe stores, furniture stores, drug stores, undertakers, glass and crockery stores, tamale stands or shops, abstract of title companies or persons furnishing the same, iron works, notions and notion stores, pipe and tobacco stores, advertising by bill boards, placards and the like, bootblacks and bootblack stands, gun stores, sporting, hunting and fishing tackle stores, jewelry stores,

resorts for amusements of all kinds, and all and singular each, every and any business, and all trades and professions, including attorneys, doctors, physicians, and dentists and all character of lawful business or callings not herein specifically named; *provided*, that in fixing licenses, the Council must as ^{Provisos.} nearly as practicable, make the same uniform in proportion to the approximate amount of business done by the licensee; *and provided further*, that in fixing licenses hereunder, the Council must have due regard for and be governed as far as possible by, the approximate amount or volume of business done by each person, firm, company, association or corporation thus licensed.

Eleventh—To fix, impose and collect a license tax on, and ^{To regulate liquor selling.} regulate all saloons, bar-rooms, dram-shops, bars, tippling houses or places where spirituous, malt, vinous or intoxicating liquors are sold or given away.

Twelfth—To fix, impose and collect an annual per capita ^{Dog tax.} tax on all dogs and to provide for the capture and destruction of all dogs on which said tax shall not be paid. To fix, ^{Hacks, etc.} impose and collect a license tax on and regulate hacks, hackney coaches, cabs, omnibuses and all other vehicles used for hire, and to regulate the stands of all hacks, hackney coaches, cabs, omnibuses, express wagons, drays, job wagons and to regulate their rates of fare, and to require schedules of rates to be posted on or upon such public vehicles. To fix, impose ^{Hotel runners.} and collect a license tax on, regulate, prohibit or suppress ^{Hotel} runners for hotels, taverns or other business.

Thirteenth—To prevent and restrain any riot or riotous ^{Riots.} assemblage or disorderly conduct within the city, and to provide for the punishment of the same.

Fourteenth—To provide for the formation of a chain-gang ^{Chain-gang.} for persons convicted of offenses against the ordinances of the city, and for their proper employment for the benefit of the city, and to safe-guard and prevent their escape while being so employed.

Fifteenth—To provide for conducting all city elections, ^{City elections.} regular or special, establishing election precincts, changing the same, and appointing the necessary officers of election.

Sixteenth—To regulate the speed at which cars, auto-^{Fast driving.} mobiles, bicycles and other vehicles may run within the city limits, and to prescribe the length of time any street may be obstructed by trains being made or cars standing thereon, ^{Street obstruction.} and to require railway companies either to station flagmen or place such sufficient warning signals or signal bells on street crossings as may, in the judgment of the Council, be necessary, and to require street railway cars to be provided with ^{Regulating railways.} modern fenders, and to have warning or signal bells rung at all street crossings, and generally to regulate and control the same for the safety and security of pedestrians and the traveling public.

Seventeenth—To examine all books, papers, reports and

Examining city accounts statements of the several officers or other persons having custody, care or disbursement of any moneys belonging to the city and to examine and liquidate all accounts and claims against the city and to allow or reject the same or any part thereof.

Providing for licenses. Eighteenth—To provide for the issuance of all licenses in this charter authorized and to fix the amount thereof and the times for, manner of and terms upon which the same shall be issued.

To pass upon accounts. Nineteenth—To make all appropriations, examine and audit, reject or allow the accounts of all officers, or other persons having the care or custody of any city moneys or property and to determine the fee or salary of such officer or person, except as herein otherwise provided; to make contracts and agreements for the use and benefit of the city, such contracts to specify the fund out of which payment for the same is to be made; *provided*, that in no case shall a liability be created or warrant drawn against any fund beyond the actual amount then existing in such fund wherewith to meet the same.

Cemeteries. Twentieth—To control, enlarge or abolish cemeteries and to sell or lease lots therein; to control and regulate the interments therein and to prohibit them within the city limits, and to prescribe the distance from said limits where the same may be located.

Fire limits and precautions. Twenty-first—To establish, lay out and change fire limits and regulate or prevent the erection or repair of wooden buildings therein; to regulate and prescribe the material to be used in the construction or repair of buildings or sheds in such limits and to prevent the erection or construction of any buildings or sheds of other material; to regulate, prescribe the material of, or prohibit awnings, porches, signs, placards or bill-boards over sidewalks, or across streets, and to regulate the same throughout the city.

Registration of city voters. Twenty-second—To provide by ordinance, for a supplemental registration of all persons possessing the requisite qualifications of voters in said city and whose names do not appear on the official register of voters in said city for the next preceding general election; such supplemental registration may be had every two years before the Police Judge, and conform as nearly as possible with the requirements of general laws governing registration of persons for general elections; *provided*, that no such supplemental registration shall be had or taken later than thirty days preceding any regular city election, and the registration books shall be closed at least ten days before the day of election.

City Prison. Twenty-third—To provide and maintain a city prison and provide for the guarding, safe-keeping, care, feeding and clothing of the city prisoners.

Animals running at large. Twenty-fourth—To prevent or regulate the running at large in the city of any poultry, hogs, sheep, goats, swine,

horses, cows or animals; to establish and maintain a pound ^{Pound.} and to authorize the impounding, sale or disposal of any animals found running at large, and to authorize the destruction of all fowls or poultry running at large.

Twenty-fifth—To regulate or prohibit the use of steam ^{Regulating steam boil-} boilers; the location of telegraph, telephone, electric light ^{ers, poles,} and other poles, and the suspension thereon of wires, and ^{wires, etc.} the construction of entrances to cellars and basements from sidewalks.

Twenty-sixth—To prevent and regulate the erection or ^{Unsafe buildings.} maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures; to prescribe the manner of construction and location of drains and sewers; to lay out, change and create sewer districts; to require connections with sewers; to require the owners, lessees or other persons in control or possession of public buildings or buildings used ^{Sewers.} for public purposes, including hotels, dancing halls, theaters, and theater buildings, to place in or upon the same, fire escapes and appliances for protection against and the extinguishment of fire; to prevent the construction and cause the removal of dangerous chimneys, stovepipes, ovens and boilers, and to prevent the depositing of sewer filth, offal, manure, ^{Public buildings.} or other offensive matter in the city; to prevent the depositing of ashes, rubbish, shavings or any combustible material in unsafe places; to regulate and compel the abating, removal or cleansing, at the expense of the person in possession or responsible therefor, of all nauseous matter, filth, accumulated rubbish, debris, nauseous, stinking or foul privy vaults. ^{Nuisances.}

Twenty-seventh—To regulate the entrance to and exit from theaters, lecture rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools or benches in or crowding or otherwise impeding or obstructing the passage ways, aisles, entrances or exits of such places. ^{Entrances and exits.}

Twenty-eighth—To regulate and control the construction and maintenance of any tubes, pipes or pipe lines, conduits, ditches, signal bells, warning signs and other electric, telegraph and mechanical appliances in, along, over, under and across the streets and alleys; *provided*, that no such appliances shall be placed so as to interfere with the fire alarm system, or the extinguishment of fires, or permanently, with the free use of the streets, sidewalks or alleys. ^{Pipes on public streets Proviso.}

Twenty-ninth—To require every railroad and street railway company to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks. ^{Railways to repair streets}

Thirtieth—To require upon such notice as the Council may direct, any noxious or offensive smell, filth or debris to be abated, removed or otherwise destroyed, at the expense of the person or persons causing, committing or responsible therefor, and the Council in like manner may require or ^{Abatement of nuisances.}

cause any lots or portions of lots covered by stagnant water for any period, to be filled up to such level as will prevent the same from being so covered and may assess the cost or any portion thereof, of filling, upon such real estate and make the same a lien thereon, in which case said lien shall be preserved, enforced and foreclosed as in other cases herein provided for.

Regulating weights and measures.

Thirty-first—To provide for and regulate the manner of weighing all food products and food stuffs, and hay, grain, straw and coal, and the measuring and selling of firewood and all fuel within the city, and to provide for the seizure and forfeiture of such articles offered for sale which do not comply with such regulations and to examine, test, and provide for the inspection and sealing of all weights and measures, throughout the city and enforce the keeping by traders and dealers, of proper weights and measures duly tested and sealed, and by ordinance provide a penalty for the using of false weights or measures.

Penalty.

Punishment of vagrants, drunkards, lewd persons, etc.

Thirty-second—To restrain and punish vagrants, drunkards, drunkenness, disorderly persons, common prostitutes, mendicants, street walkers, street solicitors for alms or otherwise, street beggars, house beggars, and lewd persons; to suppress and abolish houses of assignation, or places resorted to by persons for the purpose of prostitution or immoral purposes; to prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish obscene language, or conduct, indecent exposure of person, loud and threatening or lewd language, or profane language in the presence and hearing of women or children, and all obnoxious, offensive, immoral, indecent and disorderly conduct and practices in the city; to prevent and punish the discharging of firearms in the city, the lighting of fires in yards, streets or alleys, or other unsafe places anywhere within the city; to prevent and punish the carrying of weapons, concealed or otherwise; to prevent and punish fast driving, fast horse-back riding, or the riding or breaking to drive of wild or unmanageable horses in the city; to require that all horses when left standing shall be hitched to post or weight, and to prescribe the length of time any horse or animal may be allowed to remain tied, held or otherwise kept on the streets or alleys of the city.

Fast driving and cruelty to animals.

Thirty-third—To prevent and punish all persons from showing, selling, or exhibiting for sale or in any manner publishing, any obscene or indecent drawings, engravings, paintings, books or pamphlets, and all obscene or indecent exhibitions and shows of every kind.

Prohibiting obscene literature or shows.

Thirty-fourth—To regulate the use and sale of water, gas, electric and other lights in the city; to fix and determine the price as well as the rentals of all water, gas and electric light meters within the city; and to provide for the inspection of

Regulating water, light, and telephone charges.

such meters; to regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city.

Thirty-fifth—To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting. ^{Public lighting.}

Thirty-sixth—To regulate lodging, tenement and apartment houses having four or more lodgers; to prevent the overcrowding of the same, and to require the same to be kept in a sanitary condition. ^{Lodging and tenement houses.}

Thirty-seventh—To adopt and enforce by ordinance, all such measures and establish all such regulations, in case no express provision is in this charter made, as the Council may from time to time deem expedient and necessary for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of said city; the preservation of peace and good order, the promotion of public morals and the suppression and prevention of vice in the city, and to pass and enact ordinances on any other subject of municipal control, or to carry into force or effect any other powers of the city, and to do and perform any, every and all other acts and things necessary or required for the execution of the powers conferred or which may be necessary to fully carry out the purposes and intent thereof. ^{To protect public health, morals and peace by ordinance.}

Thirty-eighth—To provide for the cleaning of the river, reservoirs and streams of the city, and the ditches connected therewith, of all driftwood and noxious matter; to prohibit, prevent and punish the depositing therein of any filth or other matter tending to make the waters thereof impure, unwholesome or offensive. ^{Cleaning of city streams and reservoirs.}

Thirty-ninth—To require of all ditch or canal companies, persons or individuals owning, operating or controlling any ditch or canal running over or across any of the streets or alleys of the city; to cause such ditch or canal to be completely bridged from side to side of such street or alleys. ^{All ditches to be completely bridged.}

Fortieth—To compel the owner of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, corral, sewer, privy or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same, whenever the Council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; the expense thereof to be paid by the person causing, maintaining or committing the same. ^{Unwholesome institutions regulated.}

Forty-first—To select, appoint and employ an engineer, surveyor, architect or other skilled mechanic or person from time to time, whenever in the judgment of the Council it shall be necessary or expedient for the purpose of supervising and directing any public work; the salary or compensation, duties and responsibilities of such person to be fixed, determined and fully defined by ordinance. ^{To employ competent supervisor.}

Forty-second—To prescribe fines, forfeitures and penalties

To prescribe fines and penalties. for the breach or violation of any ordinance, or the provisions of this charter, but no penalty shall exceed the amount of five hundred dollars or six months imprisonment, or both such fine and imprisonment.

To fix official bonds. Forty-third—To require of and prescribe the amount of official bonds from its members and all officers of the city, whether elective or appointive.

To institute and maintain all city suits. Forty-fourth—To institute and maintain any suit or suits, civil or criminal, in the name of the city, in the proper courts, whenever necessary in the judgment of the Council, to enforce or maintain any right of the city, and they may in like manner, defend all actions against the city; to institute and maintain any suit to foreclose liens or otherwise, against any property owner refusing or neglecting to pay as assessed by the Council, his ratable proportion of the cost of paving, grading or otherwise improving any street, or building any sidewalk or other improvement, which benefits the property or owner thereof.

To manage all real and personal city property. Forty-fifth—To hold, manage, use and dispose of all real and personal property of the city, and to enforce the payment and collection of all dues, assessments or demands of every nature or kind, belonging or inuring to the city, but no sales of property belonging to the city shall be made until after it shall have been appraised by three disinterested appraisers, residents and taxpayers of the city, at the actual market value, nor shall it be sold for less than seventy-five per cent of such appraised value; *provided*, that no park or property acquired for park or public purposes shall be so sold or in any manner disposed of.

Proviso. Forty-sixth—To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

To protect trees and shrubbery. Forty-seventh—Any property, real or personal, necessary or required for the public use of the city, may be condemned and appropriated in the manner prescribed by general law and all rights of eminent domain may be exercised by the city in relation thereto.

To alter ward boundaries. Forty-eighth—To change or enlarge the boundaries of any ward by ordinance, so as to annex and include therein additional lands, with the tenements, property and inhabitants thereof; *provided*, the Council shall be first petitioned so to do by a majority of the persons of the district proposed to be so annexed; and *provided further*, that no change in the boundaries of any ward, except for the purpose of enlarging the same, shall be made within sixty days next preceding any general city election, and in no event oftener than once every two years.

SEC. 11. Whenever there shall be presented to the Council **Referendum.** a petition signed by a number of the qualified city electors equal to fifteen per cent of the votes cast in the city at the

next preceding general city election, praying that a proposed ordinance or ordinances, to be set out in full in such petition, be submitted to a vote of the electors of the city, such proposed ordinance or ordinances must be submitted to the vote of the electors of the city at the next general city election, unless said ordinance or ordinances shall have been adopted more than thirty days prior to such election.

Petition signed by 15 per cent of city electors.

SEC. 12. Whenever there shall be presented to the Council a petition signed by a number of qualified city electors equal to thirty per cent of the votes cast at the next preceding general city election, praying that a proposed ordinance or ordinances, to be set out in full in such petition, be submitted to a vote of the electors of the city, at a special election to be called for that purpose, such special election must be called within forty days after such petition shall have been received by the Council, and such proposed ordinance or ordinances must be submitted to the vote of the city electors thereat, unless the Council shall, within thirty days after having received said petition, duly adopt said ordinance or ordinances.

Referendum vote on adoption of ordinances.

SEC. 13. The Council may at such general or special election, submit an alternative ordinance for the choice of the electors, and any number of proposed ordinances may be voted on at the same election.

Council may submit alternative ordinance.

SEC. 14. The signatures to such petitions need not all be appended to one paper, but each signer must add to his name his place of residence, giving the street and number whenever practicable. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

Signatures need not be on one paper

Affidavit.

SEC. 15. The tickets used at such elections in voting on such proposed ordinances shall contain the words "For the ordinance" (stating in brief the nature thereof), and "Against the ordinance" (stating in brief the nature thereof).

Ballots.

SEC. 16. If a majority of the vote cast upon the question of such ordinance shall be in favor of the adoption thereof, the Council shall, within twenty days, and at the first regular meeting after such election, proclaim such fact by publishing such proclamation attached to a copy of such ordinance in a daily newspaper published in the city, for the period of at least one week, and thereupon such ordinance shall go into effect and have the same force as an ordinance duly passed by the Council and approved by the Mayor and the same shall not be repealed by the Council. But the same may be repealed or amended only at any general or special election, in the manner of its adoption. Such amendment or repeal may be proposed by the Council.

How each ordinance made operative.

ARTICLE XIII.

HEALTH DEPARTMENT.

SECTION 1. The Board of Health shall consist of not less

City Board of Health. than three nor more than five members, all of whom, except the Mayor, shall be appointed by the Mayor, subject to confirmation by the Council. Each of the members thus appointed shall be a citizen of the State and shall have been a *bona fide* resident and qualified elector of the city for the period of at least one year next preceding his appointment, and the majority of the members thus appointed shall be practicing physicians of reputable standing in their profession. The term of office shall be two years and until their successors shall have duly qualified. The Mayor shall be the presiding officer of the Board.

Qualifications.

Term, two years.

Mayor to be Chairman.

Quorum.

Secretary, ex officio Health Officer. SEC. 2. A majority of the members of the Board shall constitute a quorum for the transaction of business.

SEC. 3. The Board shall at its first meeting and annually thereafter, appoint one of its members, who is a practicing physician, as Secretary of the Board. The Secretary shall be ex officio Health Officer of the city.

Duties of Board of Health. SEC. 4. The Board of Health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given the Board over all questions of defective drainage, the said infection [disinfection] and sanitary cleaning of all public and private places, and the abatement of all nuisances prejudicial to the health of the city. The Board shall adopt such forms, rules and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure vital and reliable mortality statistics in said city, and to prevent the spread of contagious and infectious diseases, and for that purpose shall have power to adopt quarantine laws, rules and regulations. The Board shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendants and supplies for any pest house which may be in use, and the Health Officer shall have power to establish a temporary pest house or pest houses, in case of any emergency.

Rules.

May quarantine.

Inspection of food stuffs. SEC. 5. The Board of Health may be empowered, among other things, to inspect all meats, poultry, fish, game, bread, butter, cheese, milk, lard, eggs, vegetables, flour, fruits, meal, dairy products and all other food products offered for sale in the city and to have any such products as are unsound, spoiled, unwholesome or adulterated summarily destroyed.

Council shall provide for enforcing Board's orders. SEC. 6. The Council shall by ordinance or otherwise, provide for enforcing such orders and regulations of the Board of Health as it may from time to time adopt, and all expenses necessarily incurred by the Board of Health or the Health Officer in carrying out the provisions of the law, this charter and ordinances, shall be provided for by the Council, which is hereby authorized and directed to make the necessary appropriations therefor out of the general funds of the city.

SEC. 7. The Secretary of the Board shall see that the laws

and ordinances of the city in relation to the health and the regulations and orders of the Board of Health are properly enforced and observed. The Secretary shall keep a full record of all the transactions of the Board as well as all records pertaining thereto. No interments or cremations shall be made in the cemeteries of the city unless said Health Officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection. He shall have power to reject certificates which do not comply with the regulations of the Board. He shall have the power of a police officer in the enforcement of all rules pertaining to his office and duties, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city, as he may deem proper.

SEC. 8. The Health Officer shall visit at least twice a year, and oftener if necessary, all public buildings or buildings used for public purposes, and all school-houses in said city. During such visits he shall examine the manner in which such buildings are lighted, heated and ventilated, and particularly as to their sanitary condition. The Health Officer shall promptly report in writing to the principal or governing authorities of all schools, the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria or any contagious or infectious disease. Said principals or authorities, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforementioned diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the Health Officer, to the effect there is no longer any danger from contagion. When a case of contagious disease is reported to the Health Officer, he may visit the premises where the person is, and, when satisfied that such disease exists, he shall place a flag or conspicuous notice on said premises, which shall remain on the same during the continuance of the disease at such place.

SEC. 9. The Health Officer may cause to be removed to a smallpox hospital or pest house any person in said city having smallpox. When a case of smallpox exists in any house and the person so affected is not removed to said hospital or pest house, the Health Officer shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced, as long as the public safety requires.

SEC. 10. Every member of the Board of Health may administer oaths on matters connected with the Health Department.

SEC. 11. The Council may by ordinance, prescribe a salary for the Health Officer, but such salary when fixed, shall not

Duties of
Secretary.

To have
power of
police
officers.

Report.

Health
Officer to
inspect
public
buildings.

Infectious
diseases.

Quarantine
flag or notice

Removal to
pest house.

Salary of
Health
Officer.

be changed so as to increase the same, oftener than once every two years, except temporarily during the period of any emergency or dangerous epidemic or the like. The other members of the Board shall serve without compensation.

ARTICLE XIV.

JUDICIAL DEPARTMENT.

Municipal Court.	SECTION 1. There is hereby created and established, in and for the City of Reno, a Municipal Court, which is hereby vested with the judicial power of the city for municipal purposes.
Police Judge. Qualifications.	SEC. 2. The Municipal Court shall be presided over by a Police Judge, who shall be a citizen of the State, a <i>bona fide</i> resident of the city for a period of not less than five years next preceding his election and he shall be an elector and taxpayer in the city. He shall be elected by the qualified electors of the city at each general city election and shall hold office for the term of two years and until his successor shall have been duly elected and qualified. He shall, before entering upon the discharge of his duties, make and execute to the city, a good and sufficient bond in such sum and conditioned as the Council may prescribe, and the sureties thereon shall be subject to the approval of the Council.
Elected.	SEC. 3. The Municipal Court shall have the powers and jurisdiction in said city as are now provided by law for Justices of the Peace, wherein any person or persons are charged with the breach or violation of the provisions of any ordinance of said city or of this charter, of a police nature; <i>provided</i> , that the trial and proceedings in such cases shall be summary and without a jury. The said Court shall have jurisdiction to hear, try and determine all cases, whether civil or criminal, for the breach or violation of any city ordinance or any provision of this charter of a police nature, and shall hear, try, determine, acquit, convict, commit, fine or hold to bail in accordance with the provisions of such ordinances or of this charter. The practice and proceedings in said Court shall conform as nearly as practicable, to the practice and proceedings of Justice's Courts in similar cases. Fines imposed by the Court may be recovered by execution against the property of the defendant, or the payment thereof enforced by imprisonment in the city jail of said city, at the rate of one day for every one dollar of such fine, or said Court may, in its discretion, adjudge and enter upon the docket, a supplemental order that such offender shall work on the streets or public works of said city, at a rate of two dollars for each day of the sentence, which shall apply on such fine until the same shall be exhausted or otherwise satisfied.
Bond.	SEC. 4. Said Court shall have jurisdiction of any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed three
Same powers as Justice Courts.	
Trial without jury.	
Imprisonment or chain-gang.	
Jurisdiction of Municipal Court.	

hundred dollars; also of actions to foreclose liens in the name Money involved not to exceed \$300. of the city for the non-payment of such taxes or assessments where the principal sum claimed does not exceed three hundred dollars; also of any action for the collection of any money payable to the city from any person when the principal sum claimed does not exceed three hundred dollars; also for the breach of any bond given by any officer or person to or for the use or benefit of the city, and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all appeal bonds given on appeals from said Court in any of the cases above named, when the principal sum claimed does not exceed three hundred dollars; also, for the recovery of personal property belonging to the city, when the value thereof does not exceed three hundred dollars; *provided*, *Proviso*. that nothing herein contained shall be so construed as to give such Court jurisdiction to determine any such cause when it shall be made to appear by the pleadings or the verified answer, that the validity of any tax, assessment or levy, shall necessarily be in issue in such cause, in which case, the Court shall certify such cause to the District Court in like manner and with the same effect as provided for [by] law for certification of causes by Justice's Courts.

SEC. 5. The said Court shall have jurisdiction of the following offenses committed within the city, which violate the peace and good order of the city or which invade any of the police powers of the city or endanger the health of the inhabitants thereof, such as breaches of the peace, drunkenness, intoxication, fighting, quarreling, dog-fights, cock-fights, routs, riots, affrays, violent injury to property, malicious mischief, vagrancy, indecent conduct, lewd or lascivious cohabitation or behavior, and all disorderly, offensive or opprobrious conduct, and of all offenses under ordinances of the city. *Offenses enumerated.*

SEC. 6. The said Court shall be treated and considered as a Justice's Court whenever the proceedings thereof are called into question. The Court shall have power to issue all warrants, writs and process necessary to a complete and effective exercise of the powers and jurisdiction of said Court, and may punish for contempt in like manner and with the same effect as is provided by general law for Justices of the Peace. The Police Judge shall keep a docket in which shall be entered all official business in like manner as in Justice's Courts. He shall render monthly or oftener, as the Council may require, an exact and detailed statement in writing, under oath, of the business done and of all fines collected, as well as fines imposed but uncollected, since his last report, and shall at the same time render and pay unto the City Clerk all fines collected and moneys received on behalf of the city since his last report. *Treated as Justice Court.* *Police Judge to keep docket, and report to City Council.*

SEC. 7. In all cases in which the Police Judge shall by reason of being a party, or being interested, or related to *Justice of the Peace may act.*

Compensa-
tion.

Appeals,
how taken.

Salary of
Police Judge.

either defendant or plaintiff or complaining witness as the case may be, by consanguinity or affinity within the third degree, or in case of his sickness, absence or inability to act, any Justice of the Peace of said county on the written request of the Mayor, may act in the place and stead of said Police Judge and the Council shall have power to apportion ratably, the salary of such Police Judge to such Justice of the Peace so serving, and deduct the sum so apportioned from the salary of such Police Judge.

SEC. 8. Appeals to the District Court may be taken from any final judgment of said Court, in the same manner and with the same effect as in cases of appeal from Justice's Courts in civil or criminal cases, as the case may be.

SEC. 9. The Police Judge shall receive a salary of one thousand dollars per annum.

ARTICLE XV.

REVENUE AND TAXATION.

Council to
levy annual
tax.

Proviso.

Blanks of
county used
when
practicable.

All taxes to
go into city
treasury.

SECTION 1. The Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax as hereinbefore prescribed, upon all real and personal property within the city and made assessable by law for State and county purposes; and the tax so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions (acting *ex officio* as city officers) as prescribed and provided in the revenue laws of the State for the collection of State and county taxes; and the revenue laws of the State shall, in every respect not inconsistent with the provisions of this charter, be deemed applicable and so held to the levying, assessing and collecting of the city taxes; *provided*, that in the matter of equalizing or equalization of assessments upon property, the rights of the city and inhabitants thereof shall be protected in the same manner and to the same extent as is the State and county, by the action of the County Board of Equalization. And whenever or wherever practicable and expedient, all forms and blanks in use in the levying, assessing and collecting of State and county revenue, shall with such alterations or additions as may be necessary, be used in the levying, assessing and collecting of the revenue of the city. And the Council shall enact all such ordinances as shall be found necessary and not inconsistent with this charter and the laws of the State, for the prompt, convenient and economical collection of the city revenue.

SEC. 2. All general taxes collected under or by virtue of this charter or of any ordinance of the city, shall be paid to the City Treasurer at the same time as payment for State and county taxes is made.

SEC. 3. All real and personal property levied upon for taxes due the city, if sold by virtue of any judgment for taxes,

shall be sold by the officer holding the execution upon the judgment, which shall include the taxes due and all costs. Execution for unpaid taxes
Property so sold shall be subject to redemption as in other cases; *provided*, that so far as possible, the collection of the tax due the city shall be made by the City Treasurer in the same manner and time as collection of taxes for State and county purposes, and the lien of said city for unpaid taxes to be enforced by the said City Treasurer and the property sold for any delinquent tax due the city, in the same manner and with like effect as in the case of delinquent taxes levied for State and county purposes.

SEC. 4. The Board of County Commissioners of Washoe County shall from time to time, upon the request of the Council, apportion to the city, such proportion of the General Road Fund of the County of Washoe as the value of the whole property within the corporate limits of the city, as shown by the assessment roll, shall bear to the whole property of the county, inclusive of the property within the city, and all such moneys so apportioned shall be expended upon the streets, alleys and public highways of the city, under the direction and control of the Council.

SEC. 5. The Council shall have full power to pass and enact all ordinances necessary or required to carry into effect the revenue laws in said city and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SECTION 1. The fees, salaries or other compensation of officers or other persons shall be regulated by regularly enacted ordinances as to salaries and by resolution as to compensation for persons not regularly employed by the city. All claims for fees, salaries and all expenses necessarily incurred in carrying on the legitimate purposes and duties of the city government and all claims against the city, wherever the nature of such claims will permit, shall be filed with the City Clerk and acted upon by the Council at the first regular meeting thereafter, and the Council shall consider and allow or reject the same in the order as presented and filed, and the record of their action shall be entered upon the journal. Upon allowance in whole or in part of any claim, by a majority of the Council, the City Clerk shall certify all such claims or portions allowed as the case may be after the same is signed by the Mayor to the City Auditor, who shall, if such claim is approved by him, draw a warrant upon the Treasurer for the amount so allowed and shall state in general terms the nature of the claim, and when so presented to the Treasurer, the same shall be paid by him.

SEC. 2. The holder of any demand or claim mentioned in this charter which has been rejected in whole or in part, may

Regulation of fees and salaries of city officers.

City Clerk to certify and Mayor to sign claims.

Holder of
rejected
claim may
sue city.

Limitation
of time.

Proviso.

No extraor-
dinary
indebtedness
to be
assumed.

No officer to
be interested
in contracts.

Penalty.

Municipal
election
every two
years.

Conduct of
same under
control of
Council.

within six months after the date of such rejection, commence an action in any court of competent jurisdiction for the recovery of the amount so rejected, and if not so commenced, such claim or amount so rejected together with the right of action thereon shall be forever barred and the Council shall not have power to allow or pay the same in whole or in part at any time subsequently. The action shall be against the city and the service of summons shall be made upon the Mayor. In case of final recovery of judgment by the plaintiff, the execution shall issue therefor, but the Council must allow the amount of the same with costs taxed, which judgment with such costs shall be paid in the order as presented; *provid**e*d, nothing herein shall be so construed as to make the city liable for any damages suffered or incurred by any person for or by reason of any neglect of the city or any of its officers.

SEC. 3. No debts shall be created directly or indirectly against the city, nor shall any contract for supplies, water, gas, electric light or any supplies for the city, or any contract whatsoever made by or on behalf of the city, be valid for any amount exceeding the revenue for the year in which the contract is made, except as otherwise provided in this charter.

SEC. 4. No officer of the city shall be directly or indirectly interested in any contract with the city or with any officers thereof in their official capacity for, or in doing any work or furnishing any supplies for the use of the city or its officers in their official capacity, exceeding the sum of fifty dollars in any single transaction and any claim for any amount in violation hereof shall be void, and if allowed shall not be paid by the Treasurer. Any wilful violation of the provisions of this section shall be deemed a misdemeanor and punished as such and shall subject the offender to removal from office.

ARTICLE XVII.

ELECTIONS.

SECTION 1. The first municipal election hereunder shall be held in said city on the first Tuesday after the first Monday in May, 1905, and on the same day every two years thereafter, at which time there shall be elected one Mayor, Councilmen as hereinbefore provided, one City Attorney, one City Clerk, and one Police Judge. All elections held under this charter shall be governed by the provisions of the general election laws of the State, so far as the same can be made applicable and which are not inconsistent herewith. The conduct and carrying on of all city elections shall be under the control of the Council and they shall by ordinance provide for the holding of the same, appoint the necessary officers thereof and do all other or further things required to carry the same into effect.

SEC. 2. Every person who resides within the exterior boundaries of said city at the time of holding any city election, and whose names appear upon the official register of voters in and for said city, shall have the right to vote at each city election, whether regular or special, and for all officers to be voted for and on all questions that may be submitted to the people at any such general or special city elections, except as herein otherwise provided; and nothing herein shall be so construed as to deny or abridge the power of the Council to provide for a supplemental registration as in this charter hereinbefore provided.

SEC. 3. The election returns from any city or special city election, shall be filed with the City Clerk, who shall immediately place the same in a safe or vault and no person shall be permitted to handle, inspect or in any manner interfere with the same until canvassed by the Mayor and Council.

The Mayor and Council shall meet within five days after any election and canvass the returns and declare the result. The election returns shall then be sealed up and kept by the City Clerk for six months and no person shall have access thereto except on order of a court of competent jurisdiction, or by order of the Council. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected, a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first regular meeting of the Council next succeeding that in which canvass of returns was made as above provided.

SEC. 4. A contested election for any city office must be determined according to the law of the State regulating proceedings in contested elections in county offices.

SEC. 5. All officers of the city, whether elective or appointive, shall take and subscribe to the official oath of office.

SEC. 6. All county officers acting as city officers ex officio, and all other officers of the city, may act in the same manner and with like effect, by their regularly appointed deputies.

SEC. 7. The Council shall have the power to elect officers to succeed any officer acting ex officio or otherwise, for the unexpired term, or in the event any officer acting ex officio as city officer shall refuse to act as ex officio city officer, the Council shall have power to elect some competent person to fill the vacancy thus created, and the Council shall in all cases not otherwise provided for, have power to elect officers to fill vacancies occurring.

ARTICLE XVIII.

MUNICIPAL BONDS AND FRANCHISES.

SECTION 1. The city shall have the power to acquire and purchase water, light, gas and power systems, street railways and any public utility, and to hold, manage and operate the same when acquired, for the public use of the people of the

All registered residents legal electors.

Returns filed with City Clerk.

Mayor and Counsel to canvass within five days.

Clerk to issue certificate.

Contest, how determined.

Oath.

Deputies to act.

Council to fill unexpired terms.

City may acquire public utilities.

city. The Council shall have the power, subject to the provisions of this article, to acquire the same and may submit a proper resolution for that purpose and the same may be voted on by the people as provided herein.

Council may grant franchises or create bonded indebtedness SEC. 2. The Council shall have power by ordinance, to grant any franchise or create any city or municipal bonded indebtedness and issue bonds on the property of the city or any designated portion thereof as herein provided, but no ordinance for such purpose or purposes shall be valid or effective unless the Council shall first pass a resolution which shall set forth fully and in detail, the purpose or purposes of the proposed bonded indebtedness, the terms, amount, rate of interest and time within which redeemable, and on what fund; or the applicant for, the purpose and character of, terms, time and conditions of the proposed franchise as the case may be. Such resolution shall be published at least once a week in full, in some newspaper published in the city for at least four weeks. On the first regular meeting of the Council after the expiration of the period of such publication, the Council shall, unless a petition shall be received by it as in the next section provided, proceed to pass an ordinance for the issuing of the bonds or the granting of the franchise, as the case may be; *provided*, that such bonds shall be issued or municipal indebtedness created, or franchise granted, as the case may be, only on the same terms and conditions in all respects as expressed in the resolution as published, otherwise such ordinance shall be null and void; *and provided further*, that the Council shall dispose of said bonds or franchise, as the case may be, only to the person or persons offering the best and most advantageous terms to the city.

Publication of resolution. SEC. 3. The ordinance passed as in the preceding section provided, shall be valid to all intents and purposes as other ordinances duly and legally passed by the Council and any municipal bonded indebtedness thereby created, bonds issued or franchise granted thereby, shall be in all respects valid and legal; *provided*, that if at any time within twenty days from the date of the first publication of the resolution mentioned in the preceding section, a petition signed by not less than three hundred taxpayers of said city, representing not less than ten per cent of the taxable property of said city as shown by the next preceding city assessment roll, shall be presented to the Council praying for a special election in said city upon the question of whether or not the proposed ordinance shall be passed, then it shall be the duty of the Council to call a special election as soon as practicable; such election to be held and conducted as nearly as possible in the same manner as elections for city officers. Notice of such election shall be given in some newspaper published in the city, which notice shall be printed underneath the resolution hereinbefore mentioned and refer to the same, and the notice and resolution shall be so published together for a period of

Provisos.
Such to be valid in all respects.

Proviso.

Special election, when.

Notice to be published.

at least two weeks before such election shall be had. The Council shall in due time make provision for holding such special election and the City Clerk shall prepare at the expense of the city, suitably printed stationery for use as ballots which shall contain the words "For the ordinance" ^{Ballots.} (stating briefly the nature thereof) and "Against the ordinance" (stating briefly the nature thereof). The Council shall appoint suitable and competent persons to act as Inspectors at such election and shall do all other things and acts necessary to fully carry out the purposes and intent hereof; *provided*, that no person not a taxpayer within the corporate limits of said city shall be qualified to vote at any such special election; *and provided further*, that no such proposed ordinance shall be adopted or be valid or effective for any purpose whatsoever, unless the same shall receive an affirmative vote of a majority of all the voters voting thereon. The Council shall within five days after such election, canvass and declare the result and if such proposed ordinance be carried as above provided, that fact shall be proclaimed by the Council publishing at least once in some newspaper of the city, a notice to that effect, and thereupon at the first subsequent regular meeting, such ordinance shall be passed by the Council and signed by the Mayor, and thenceforth be of full force and effect.

^{Result published.}

ARTICLE XIX.

MISCELLANEOUS.

SECTION 1. No ordinance, order or resolution of the Council, having for its object or purpose the increasing of the salary or compensation, directly or indirectly, of any officer of, or person employed under the city government in excess of the maximum amount as herein provided for, shall be valid or effective for any purpose; *provided*, the Council may in the exercise of its sound discretion, decrease the salaries or compensation of the members thereof, or of any officer of the city, whether elective or appointive, and such decrease shall take effect immediately; *and provided further*, that no such decrease shall apply to or affect then [affect the] incumbent in the office of Mayor.

^{No increase of salaries.}

^{Decrease, when.}

^{Proviso.}

SEC. 2. Any wilful misconduct in office, or any wilful violation of any of the provisions of this charter, or any wilful failure to comply therewith by any officer of the city, whether elective or appointive, shall be deemed malfeasance in office, and any person guilty thereof shall be proceeded against under and in the same manner as prescribed by the general laws of the State relating to proceedings and prosecutions against district, county and township officers, for ^{Penalty.} misconduct in office, and any person found guilty shall forever after be disqualified to hold any office under said city government.

^{Malfeasance, when.}

SEC. 3. All laws and ordinances not inconsistent with

Present laws remain in force. the provisions of this charter, now in force in said city, shall be and remain in full force and effect until otherwise provided.

Not to supersede State law. SEC. 4. Ordinances adopted and passed by the Council shall not supersede the general laws of the State with respect to their operation within the city, unless it be so expressly declared in such ordinance.

"Charter" defined. SEC. 5. The word "Charter," wherever and whenever the same occurs herein, is intended to and does mean, and shall be construed to be the same as, and synonymous with, the word "Act."

"Taxpayer" defined. SEC. 6. A "taxpayer," within the meaning of this charter, shall be construed to be and include all persons whose names appear on the official tax roll for the current or the year preceding that in which the elector offers to vote; or one who shall have paid a poll tax for the current or the year preceding that in which he offers to vote, or one who shall have paid any authorized license tax for the current or the quarter next preceding that in which the election is held at which such person offers to vote. The judges or officers of election shall have power, and it is hereby made their duty in all cases of special elections on bonds or franchises, to require of each person offering to vote thereat, to show by the affidavit of such person that he possesses the qualifications prescribed;

Affidavit required, when. *provided*, that such judges or election officials may require further proofs for, as well as against, the right of any person to vote, when such right is challenged by a duly qualified elector.

This Act a public Act. SEC. 7. This Act shall be deemed a public Act and may be read in evidence without further proof, and judicial notice shall be taken thereof in all courts and places, and shall be in full force and effect immediately upon its approval.

Repeal. SEC. 8. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act are hereby repealed.

CHAP. LXXII.—*An Act to amend section three of an Act entitled "An Act to require foreign corporations and associations to name and keep agents in this State upon whom all legal process may be served," approved February 25, 1889.*

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the above-entitled Act is hereby amended so as to read as follows:

Section 3. If any such company shall fail to appoint such agent, or fail to file such certificate for fifteen days after a vacancy occurs in such agency, on the production of a certificate of the Secretary of State showing either fact, which

certificate shall be conclusive evidence of the fact so certified to and be made a part of the return of service, it shall be lawful to serve such company with any and all legal process, by delivering a copy to the Secretary of State, or, in his absence, to any duly appointed and acting Deputy Secretary of State, and such service shall be valid to all intents and purposes; *provided*, that in all cases of service under this Act, the defendant shall have forty days (exclusive of the day of service) within which to answer or plead, except in cases in the Justice Courts, where the summons shall specify the day and hour for the appearance of the defendant, and shall be made returnable not less than forty nor more than sixty days from the date of issuance thereof, and shall be served at least forty days before the time fixed therein for the appearance of the defendant. This Act shall be construed as giving an additional mode and manner of serving process and as not affecting the validity of any service of process hereafter made, which would be valid under any statute now in force.

When agency is vacant, service to be made on Secretary of State.

Proviso.

Act construed.

CHAP. LXXIII.—*An Act for the regulation of foreign building and loan societies doing business in the State of Nevada.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. All foreign building and loan societies doing business in the State of Nevada shall pay into the office of the State Insurance Commissioner an annual license of \$100.

Annual license, \$100.

SEC. 2. They shall file with the Insurance Commissioner before the 1st day of March of each year an annual statement of all business done by them for the previous year either in Nevada or elsewhere, and the same shall be published as the statements of other corporations.

Annual statement must be filed.

SEC. 3. Any person soliciting business for a foreign building and loan society in this State which has not paid the license mentioned in Section 1 of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined \$100 or confined for fifty days in the county jail or both such fine and imprisonment.

Penalty for soliciting for unlicensed company.

SEC. 4. The Insurance Commissioner is authorized to examine into the business of any corporation doing business in Nevada under this Act, but shall not be allowed more than his actual expenses while so doing. His bills for such expenses shall be submitted to the State Board of Examiners, and when allowed the State Controller shall draw his warrant for the same.

Insurance Commissioner to examine.

Disposition
of moneys.

SEC. 5. All moneys received by the General [Insurance] Commissioner under this Act shall be paid into the Insurance [General] Fund.

SEC. 6. This Act shall take effect on and after its approval by the Governor.

CHAP. LXXIV.—*An Act to provide for the sale of certain obsolete revenue stamps belonging to the State of Nevada.*

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Controller
authorized
to sell
revenue
stamps.

SECTION 1. The State Controller is hereby authorized to sell the obsolete revenue stamps belonging to the State of Nevada, and deposit all moneys arising from the sale thereof, with the State Treasurer, to the credit of the General Fund.

CHAP. LXXV.—*An Act ratifying and confirming the granting of a right and franchise by the City of Reno, Nevada, and by the County of Washoe, State of Nevada, unto H. E. Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler, their successors or assigns, for constructing and operating a street railway over certain streets, avenues and alleys of the City of Reno, and of the Town of Sparks, and over the roads, highways and certain lands between said city and town in Washoe County, State of Nevada.*

[Approved March 7, 1905.]

Preamble.

WHEREAS, The City of Reno was in the year 1903 duly incorporated and created under and in accordance with the terms and provisions of an Act of the Legislature of the State of Nevada entitled "An Act to incorporate the Town of Reno and to establish a city government therefor, approved March 16, 1903," and under said incorporation duly elected a Mayor and City Council, which said Mayor and City Council duly qualified and entered upon the discharge of their duties as Mayor and Council of said city during the year 1903, and ever since have been and now are duly discharging the duties as said Mayor and City Council; and

WHEREAS, Said Mayor and City Council did, during the year 1904, in accordance with the provisions of said incorporation Act, duly grant in the name of said city unto H. E.

Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler, their successors or assigns, a right and franchise to construct, maintain, and operate a street railway in, upon and over certain streets, avenues and alleys of said City of Reno; and

WHEREAS, The Board of County Commissioners of Washoe County, State of Nevada, during the year 1904, in the name of and for and on behalf of said Washoe County, did grant unto said H. E. Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler, their successors or assigns, a right and franchise to construct, maintain, and operate a street railway over all the streets, avenues and alleys of the Town of Sparks, in said Washoe County, and over certain roads, highways and lands between the City of Reno and said Town of Sparks; and

WHEREAS, Said H. E. Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler did, during the said year 1904 and after the granting of said right and franchise as aforesaid, duly assign, convey, grant and transfer unto the Nevada Transit Company, a corporation duly organized and existing under the laws of the State of Nevada, all of said rights and franchise granted to them as aforesaid, which said corporation did thereafter, during the year 1904, duly construct and begin the operation of and ever since has been and now is operating a railway over certain of the streets and avenues of said City of Reno and Town of Sparks, and over the roads and highways between said town and city, in accordance with the provisions of the right and franchise granted as aforesaid; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the Mayor and City Council of the City of Reno, in the name of the said City of Reno in the year 1904, and the action of the said Board of County Commissioners for and on behalf of said County of Washoe, State of Nevada, in granting a right and franchise unto H. E. Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler, their successors or assigns, to construct, maintain, and operate a street railway in, upon, and over certain of the streets, avenues, and alleys of the City of Reno, and the Town of Sparks, in the County of Washoe, State of Nevada, and over certain roads, highways and lands between said city and town, and all actions and things done and performed by the Mayor and City Council of said city and by the Board of County Commissioners of said county, in the name of said city and of said county in connection with the granting of said right and franchise, are hereby sanctioned, ratified, approved, and confirmed.

SEC. 2. This Act shall go into effect immediately after its ~~effect~~ passage.

CHAP. LXXVI.—An Act authorizing and directing the Board of County Commissioners of Churchill County, State of Nevada, to issue bonds for the purpose of providing means to establish, construct and maintain a County High School in the Town of Fallon, County of Churchill, State of Nevada.

[Approved March 4, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of County Commissioners of Churchill County, State of Nevada, is hereby authorized and directed under the provisions of this Act to issue bonds of said county, bearing interest at the rate not exceeding six (6) per cent per annum, for a sum not exceeding ten thousand (\$10,000) dollars, none of which bonds shall run for a period longer than twenty years from the first day of January, 1907; *provided*, that a majority of the legal and qualified electors of said county voting at any election shall vote to establish, construct and maintain a County High School in said county at any general or special election held therefor, in accordance with and pursuant to an Act of the Legislature of said State entitled "An Act permitting the establishment of County High Schools in the various counties of this State, and providing for the construction, maintenance and management of the same," approved March 4, 1895.

SEC. 2. Said bonds shall be issued for sums not less than five hundred (\$500) dollars each, in lawful money of the United States, and shall be payable to bearer and the interest thereon shall be payable annually, and coupons for such installments of interest shall be attached to said bonds.

SEC. 3. The principal of said bonds shall be payable to the amount of five hundred dollars each year, commencing with the first day of January, 1907.

SEC. 4. The bonds and coupons herein provided for shall be signed by the Chairman of said Board of County Commissioners and countersigned by the Clerk of said Board and said Clerk shall attach thereto the county seal.

SEC. 5. The said Board of County Commissioners is hereby directed and authorized at any time or times to negotiate the sale of and sell said bonds or such number thereof as may be necessary to carry out the purposes for which said bonds are authorized to be issued and sold at not less than the face value thereof.

SEC. 6. All moneys received from the sale of said bonds shall be paid to the County Treasurer of said county, and said Treasurer is hereby required to receive and safely keep the same in a fund hereby created and known as the Churchill County Special High School Fund, and pay out said moneys only in the manner now required by law for the payment of the same, and for the purposes for which the same were received.

Churchill
County
bonds for
High School
in sum of
\$1,000
authorized.

Not to run
longer than
20 years.

Interest not
over 6 per
cent.

Proviso.

Denomination
of bonds.

Part of
principal
payable
yearly.

Bonds and
coupons
signed.

Bonds sold
at not less
than face
value.

Churchill
County
Special High
School Fund.

SEC. 7. The said Board of County Commissioners is hereby authorized and directed to use said moneys arising from the sale of said bonds in establishing, constructing, equipping and furnishing said County High School building in the Town of Fallon, and when so constructed, equipped and furnished, the Trustees of said High School are authorized and directed to use any balance thereof in running and maintaining said school in accordance with and pursuant to the said law permitting the establishment, maintenance and management of High Schools in the various counties of this State.

SEC. 8. The said County Treasurer shall be liable on his official bond for the safe keeping of the moneys which shall come into his hands, under the provisions of this Act, and for the faithful discharge of all his duties in relation thereto.

SEC. 9. For the purpose of providing for the payment of said bonds and the interest thereon as they become due, the Board of County Commissioners is hereby authorized and directed on or before the first Monday in April, 1906, and annually thereafter at the time of making the levy of taxes for State and county purposes, to levy upon all the taxable property of said Churchill County a tax of an amount not exceeding ten cents on each one hundred dollars of all property subject to taxation, according to law and the assessed valuation thereof sufficient to pay the principal and interest of said bonds issued under the provisions of this Act which will become due on the first day of the ensuing January. The taxes so levied shall be assessed and collected as other taxes are assessed and collected, and shall be paid into the county treasury and set apart as a fund which is hereby created and known as the Churchill County High School Bond Redemption Fund, and the money in said fund shall be paid out by the said County Treasurer in the payment of the principal and interest of said bonds as the same becomes due upon presentation and surrender of said bonds and coupons to the said County Treasurer at his office. The said County Treasurer shall be liable on his official bond for the safe keeping of the money which shall come into the said High School Bond Redemption Fund, and for the faithful discharge of all his duties in relation thereto.

Churchill
County High
School Bond
Redemption
Fund.

SEC. 10. Should the holder of said bonds or any part thereof, for any cause whatever, fail to present said bonds to said County Treasurer for payment as they become due, all interest shall thereafter immediately stop.

Interest to
cease.

SEC. 11. Should any money remain in said High School Bond Redemption Fund at the end of any year after paying the interest and bonds due for such year, the same shall remain in said fund and be applied to the payment of bonds and interest thereafter to become due, and all moneys remaining in said fund after the payment of all of said bonds, and all interest due thereon, shall be transferred by said Board of County Commissioners to the County High School Fund

Residue
now applied.

of said county and used and applied for the purposes of said County High School.

In effect. SEC. 12. This Act shall take effect from and after its passage.

CHAP. LXXVII.—*An Act to authorize the Trustees of Tonopah School District to issue bonds for the purpose of creating a fund for the erection of public school buildings in the Town of Tonopah, Nye County, Nevada.*

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Tonopah
School
House bonds
in sum of
\$15,000.

Denomina-
tions.

Annual
interest, 6
per cent.

To run no
longer than
15 years.

Tonopah
District
School
Building
Fund.

SECTION 1. For the purpose of providing funds for the purchase of a suitable lot of land conveniently located, and for the erection of a school house, with necessary out-houses and appurtenances thereon, in the Town of Tonopah, County of Nye, the Board of School Trustees of Tonopah School District, County of Nye, are hereby authorized and required to issue bonds in the name of said School District, in a sum not exceeding fifteen thousand dollars, gold coin of the United States, and to pledge the good faith and credit of said School District for the payment of both principal and interest of the same. Such bonds shall be known as "Tonopah School House Bonds." The said School Trustees shall cause the bonds to be prepared and ready for use on the tenth day of April, nineteen hundred and five; said bonds shall be of the denominations of one hundred, two hundred, three hundred, five hundred and one thousand dollars each, and shall each purport and state upon the face thereof that Tonopah School District, in Nye County, State of Nevada, is indebted to the holder, in gold coin of the United States, in the sum therein stated, with interest at a rate not exceeding six per centum per annum from and after the date of issuance, interest payable annually on the ninth day of April, nineteen hundred and six, and each year thereafter, said interest to be paid at the office of the County Treasurer of said county. None of said bonds shall run for a longer period than fifteen years.

SEC. 2. When the bonds herein provided for are so prepared and ready for issuance, the said Board of School Trustees shall cause the same to be sold at a price not less than their par value, and the proceeds arising from the sale thereof shall be paid into the treasury of Nye County. The County Treasurer is hereby required to receive and safely keep the same in a fund to be known as "Tonopah District School Building Fund," and to be paid out only for the pur-

poses herein stated, on claims therefor, duly verified, which shall be allowed and ordered paid by the said Board of School Trustees, certified to, and further allowed and ordered paid by the Board of County Commissioners of said county, and duly audited by the County Auditor and upon his warrants drawn therefor upon said fund.

SEC. 3. Said Board of School Trustees shall keep a register of all bonds issued under the provisions of this Act, and shall note therein the number, date, amount and maturity of each. The Auditor and Treasurer of said county shall each keep a similar register. All of said bonds shall be signed by the Chairman and Clerk of said Trustees and countersigned by the Treasurer and Auditor of said county, with the seal of the said Auditor impressed thereon; and shall have attached thereto coupons for the payment of each installment of interest, which shall be numbered and shall respectively express the amount of interest due and when payable, and shall be signed and sealed in the same manner and by the same officers as herein provided for the signing and sealing of said bonds.

SEC. 4. One-half of the principal of such bonds as may be issued under authority of this Act, shall be due and payable on the tenth day of April, nineteen hundred and thirteen, and the other half shall be due and payable on the tenth day of April, nineteen hundred and twenty, and the whole thereof shall be paid at the office of the County Treasurer of said county.

SEC. 5. For the purpose of providing for the payment of interest upon the bonds issued under this Act, there shall be levied upon and collected from all of the property of said School District, including the net proceeds of mines, for the year nineteen hundred and five and each year thereafter until and including the year nineteen hundred and nineteen, such special tax as in the judgment of the Board of County Commissioners of said county will produce a sufficient amount of money necessary to pay the interest on said bonds, as herein provided; and the money collected and received from such tax shall be paid into the county treasury, and kept by the Treasurer, in a fund to be known as "Tonopah School District Interest Fund," and the moneys in said fund, or so much thereof as may be necessary, shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due upon presentation and surrender, by the holder of the bonds and coupons therefor; the surplus, if there be any, shall annually be placed in a fund for the redemption and payment of the principal sum of said bonds when due which shall be known as "Tonopah Public School Bond Fund."

SEC. 6. When interest shall be paid upon said bonds, the coupon or coupons representing the same, as hereinbefore provided, shall be separated from the bond or bonds, delivered to and canceled by the County Treasurer, who shall thereby

Register of
bonds to be
kept.

Principal,
when
payable.

Tonopah
School
District
Interest
Fund.

Tonopah
Public
School Bond
Fund.

Coupons
canceled.

retire the same and make a note thereof on the register of bonds kept by him in his office.

Providing
for payment
of principal.

SEC. 7. To provide for the payment of one-half of the principal of said bonds to become due on the tenth day of April, nineteen hundred and thirteen, a special tax, in addition to the said special tax to pay interest on said bonds, for the year nineteen hundred and five and each year thereafter to and including the year nineteen hundred and thirteen, there shall be levied upon and collected from all the property in said School District including the net proceeds of mines, a special tax sufficient to produce the amount of money necessary to pay the said one-half of the principal of said bonds to become due on said tenth day of April, nineteen hundred and thirteen. The money collected and received from such tax shall be paid into the county treasury and placed in said Tonopah Public School Bond Fund, and shall be applied to the payment of said one-half of the principal of said bonds to become due on the tenth day of April, nineteen hundred and thirteen, and said bonds shall be paid when due upon surrender, by the holders thereof, to the County Treasurer, who shall cancel the same by writing across the face thereof the word "Paid" and the date of payment, together with his signature.

Annual
special tax.

SEC. 8. For the year nineteen hundred and thirteen and each year thereafter to and including the year nineteen hundred and nineteen, there shall be levied and collected from all of the property in said School District, including the net proceeds of mines therein (in addition to the special tax to pay interest on said bonds), a special tax sufficient to produce an amount of money necessary to pay the remaining one-half of the principal of said bonds to become due on the tenth day of April, nineteen hundred and twenty, and the money arising therefrom shall be paid into the county treasury and placed in said Tonopah Public School Bond Fund and applied to the payment of said remaining one-half of the principal of said bonds, and when paid said bonds shall be surrendered and canceled as hereinbefore provided.

Treasurer's
duties.

SEC. 9. Whenever any coupons or bonds shall be paid and canceled as herein provided, the Treasurer shall safely keep them until delivered by him to the Auditor as legally required.

Taxes, how
collected.

SEC. 10. All taxes required by this Act to be levied, assessed, collected and paid into the county treasury of said Nye County shall be levied, assessed, collected and paid into said treasury at the same time, and in the same manner and by the same officer as State and county taxes are levied, assessed, collected and paid into said county treasury, and no additional allowance, fees or compensation whatever shall be paid to any officer for carrying out the provisions of this Act.

CHAP. LXXVIII.—An Act authorizing the appointment of extra Deputy Sheriffs in and for Lincoln County, Nevada, fixing their salaries and other matters relating thereto.

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of Lincoln County, Nevada, is hereby authorized to appoint one, or more, but not to exceed four extra Deputy Sheriffs for Lincoln County, Nevada, whose compensation shall be one hundred dollars per month for each extra Deputy Sheriff so appointed; *provided*, that in the judgment of the Board of County Commissioners, the public needs and best interests of the county require the application of the provisions of this Act.

SEC. 2. Allowances for compensation of extra Deputy Sheriffs appointed under the provisions of this Act shall be made monthly, and paid in the same manner as other county officers of Lincoln County are now paid.

CHAP. LXXIX.—An Act to authorize the School Trustees of Elko School District No. 1, in Elko County, State of Nevada, to issue bonds for the purpose of building a new school house or providing additional school room for said School District.

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of Elko School District No. 1, in Elko County, State of Nevada, are hereby authorized, under the provisions of this Act, to issue bonds bearing interest not to exceed six (6) per cent per annum for a sum not to exceed twenty thousand dollars in United States gold coin, none of which bonds shall run for a period longer than twenty (20) years from the date thereof.

SEC. 2. Said bonds shall be issued for sums not less than one hundred dollars each in gold coin, and shall be sold at not less than par value, and shall be payable to bearer, and the interest thereon shall be payable annually, and coupons of each installment of such interest shall be attached to each of said bonds.

SEC. 3. The Board of Trustees of said School District are hereby authorized, when in their judgment they deem it advisable, to build a new school house, or one or more school rooms for said district in addition to those now in use, to call an election for the purpose of providing means therefor. Such election shall be called in the manner provided by law for calling elections for the purpose of raising money for

similar purposes in school districts, and if a majority of the votes cast at said election in said district by the persons qualified to vote at said election shall vote to carry out the recommendations of said Board of Trustees, then the said Board shall proceed to issue the bonds herein provided for in this Act, but before doing so said Board of Trustees shall certify the result of said election to the Board of County Commissioners of said county.

Under certain conditions, only \$5,000 bonds to be issued.

SEC. 4. Should the majority of the votes cast at said election be in favor of improving and adding to the present school building in said district instead of building a new school house, then, and in that event, the said Board of Trustees are hereby authorized to issue bonds bearing interest not to exceed six (6) per cent per annum for a sum not to exceed five thousand (\$5,000) dollars in United States gold coin, none of which said bonds shall run for a period longer than five years from the date thereof, and to be issued as provided for in Section 2 of this Act.

Bonds and coupons to be signed.

SEC. 5. The bonds and coupons herein provided for shall be signed by the Chairman and Clerk of said Board of Trustees and countersigned by the County Treasurer of said Elko County, State of Nevada.

School District No. 1 Building Fund.

SEC. 6. All moneys received from the sale of said bonds shall be paid into the county treasury, and the County Treasurer is hereby required to receive, and safely keep the same in a fund to be known as the School District No. 1 Building Fund, and to pay out the money only on warrants signed by the Chairman and Clerk of said Board of Trustees, and duly allowed by the Board of County Commissioners of said Elko County. The County Treasurer shall be liable, on his official bond, for the safe keeping of said moneys which shall come into his hands, and for the faithful discharge of his duties in relation thereto.

Providing for payment of interest.

School District No. 1 Interest Fund.

SEC. 7. For the purpose of providing for the payment of the interest upon said bonds the Board of County Commissioners of said Elko County are hereby authorized and required at the time of the annual levy of taxes for State and county purposes for the year nineteen hundred and six, and annually thereafter, to levy upon the property of said School District such a tax as in their judgment will produce the amount of money necessary to pay the interest upon said bonds, as herein provided. The taxes so levied shall be assessed and collected in the manner of the assessment and collection of other taxes; shall be paid into the county treasury and kept by the Treasurer in a fund to be known as the School District No. 1 Interest Fund, and the money in said fund shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due, upon presentation and surrender by the holder of the coupon therefor.

SEC. 8. To provide for the payment of the bonds herein

authorized to be issued, the said Board of County Commissioners shall, in the year nineteen hundred and six, and annually thereafter, at the time of levying taxes for State and county purposes, and in the same manner, levy a special and additional tax upon all the property situated within said School District No. 1, sufficient in their judgment to raise the sum of one thousand dollars each year, which shall be assessed and collected the same as other taxes, paid to the County Treasurer, and by him assigned to the General Fund of said county. At the maturity of said bonds, they shall be paid by the County Treasurer out of the General Fund of the county, upon the presentation and surrender of said bonds. If the tax, so as aforesaid levied, for the redemption of said bonds, shall exceed the sum of one thousand dollars a year, whenever the aggregate amount of money so collected shall equal the full sum necessary to redeem said bonds the tax hereby authorized for such purpose shall cease, and should there be any excess over and above the amount required to carry out the provisions of this Act, the amount of such excess shall be transferred to the School Fund of said district. Should the amount of said tax realized be less than the amount necessary for the redemption of said bond, they shall, nevertheless, be redeemed and paid out of said General Fund, as herein provided, and a special tax shall be levied by the County Commissioners, upon the property within said School District for the year in which the last bond shall fall due, sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the usual manner, and paid into the General Fund of said county.

CHAP. LXXX.—An Act to amend section one of an Act entitled "An Act to define the rights and responsibilities of owners of telephone lines in the State of Nevada," approved March 1, 1897.

[Approved March 8, 1906.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above-entitled Act is hereby amended so as to read as follows:

Section 1. All persons or corporations owning telephone lines now in operation, or who may hereafter construct and operate such lines in the State of Nevada, shall be entitled to all the rights and privileges and be subject to all the restrictions and responsibilities provided for in an Act entitled "An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages," approved February 16, 1864, and in an Act entitled "An Act to provide for constructing and maintaining telegraph lines in the State of Nevada," approved February 9, 1866, and all

Providing
for payment
of bonds.

Special
annual tax.

Excess, how
used.

Deficit, how
met.

Rights and
restrictions
of telephone
companies.

Acts and parts of Acts amendatory of or supplementary to said two Acts mentioned herein, so far as the same shall be applicable to telephone companies.

CHAP. LXXXI.—An Act to authorize and require the Board of County Commissioners of White Pine County, State of Nevada, to issue bonds on the property of the Town of Ely, in said county, for protection against fire, and matters relating thereto.

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Bonds in sum of \$6,000 authorized.

To run no longer than 15 years.

Denomination.

Principal, how paid.

Bonds and coupons to be signed.

Ely Fire Department Fund

SECTION 1. For the purpose of providing protection against fire in the Town of Ely, the Board of County Commissioners of White Pine County, State of Nevada, is hereby authorized and required to, within sixty (60) days from and after the approval of this Act, prepare and issue bonds for a sum not exceeding six thousand (\$6,000) dollars, in United States gold coin, none of which said bonds shall be issued for a period not longer than fifteen (15) years from the date thereof.

SEC. 2. Said bonds shall be issued for sums not less than one hundred (\$100) dollars each, shall be numbered consecutively, and shall bear interest at a rate not to exceed six per centum per annum, which said interest shall be payable annually, at such annual date as the Board of County Commissioners shall fix at the time of issuing said bonds, the coupons for such payment of interest to be attached to each of said bonds, said coupons to be numbered consecutively and signed by the Chairman of said Board, and the County Treasurer. Said bonds shall purport that there is due the holder thereof, from the County of White Pine, State of Nevada, a sum of money to be expressed therein.

SEC. 3. The principal of said bonds shall be made payable as follows: Four hundred (\$400) dollars of said bonds shall be made payable January first, A. D. one thousand nine hundred six (1906), and the remainder shall be made payable in annual payments of four hundred (\$400) dollars thereafter, none of which bonds shall run for a longer period than fifteen (15) years from the date thereof.

SEC. 4. The bonds and coupons herein provided for shall be signed by the Chairman of the Board of County Commissioners and the County Treasurer, countersigned by the County Clerk and authenticated with the county seal of said White Pine County.

SEC. 5. Said bonds shall be sold at not less than their par value, and all moneys received from the sales thereof shall be paid into the county treasury, and the County Treasurer of White Pine County is hereby required to receive and safely keep the same in a fund to be known as the "Ely Fire Depart-

ment Fund," and to pay out said money only on warrants properly authenticated by the County Auditor, upon bills duly allowed by the Board of County Commissioners. The County Treasurer shall be liable on his official bond for the safe keeping of said moneys which shall come into his hands and for the faithful discharge of his duties in relation thereto.

SEC. 6. The boundaries of said Town of Ely for the purposes of this Act shall be, and are hereby made, as follows: The south one-half ($S\frac{1}{2}$) of Section Sixteen (16) and the northwest one-quarter ($NW\frac{1}{4}$) of Section Twenty-one (21) Township Sixteen North (16 N), Range Sixty-three East (63 E), M. D. B. and M.

Boundaries
of Town of
Ely.

SEC. 7. For the purpose of providing for the payment of the interest upon said bonds, the Board of County Commissioners of said White Pine County, Nevada, is hereby authorized and specifically required, at the time of the annual levy of taxes for State and county purposes for the year nineteen hundred and five (1905), and annually thereafter, until all of said bonds are redeemed and canceled, to levy upon the property of said Town of Ely such tax as in their judgment will, for the year nineteen hundred and five (1905) and for each year thereafter, produce the amount of money necessary to pay the interest on said bonds as herein provided. The taxes so levied shall be assessed and collected in the manner of the assessment and collection of other taxes, shall be paid into the county treasury and kept by the Treasurer in a fund to be known as the "Ely Fire Department Interest Fund," and the money in said fund shall be disbursed by the Treasurer in payment of the interest upon said bonds as the same becomes due, upon presentation and surrender by the holder of the coupons therefor.

Ely Fire
Department
Interest
Fund.

SEC. 8. For the purpose of providing for the payment of the bonds hereby authorized and required to be issued, the Board of County Commissioners of White Pine County is hereby authorized and specifically required, at the time of the annual levy of taxes for the year nineteen hundred and five (1905), and annually thereafter until all of said bonds are redeemed and canceled, to levy upon the property of said Town of Ely a tax sufficient to raise the sum of four hundred (\$400) dollars for the year nineteen hundred and five (1905) and for each year thereafter, sufficient to pay the principal of said bonds, issued under the provisions of this Act; which will become due during the next ensuing year. The taxes so levied shall be assessed and collected as other taxes are assessed and collected, and shall be paid into the county treasury and by the County Treasurer assigned to the General Fund of said White Pine County. At the maturity of said bonds they shall be paid by the County Treasurer out of the General Fund of said county, upon the presentation and surrender of said bonds. If the tax so aforesaid levied for the interest on, and the redemption of, said bonds should

Providing
for payment
of bonds.

Annual
special tax.

Tax to cease, when. exceed the sum of four hundred (\$400) dollars a year, whenever the aggregate amount of money collected shall equal the full sum necessary to redeem all of said bonds outstanding and unredeemed, the tax hereby authorized for said purpose shall cease, and, should there be any excess over and above the amount necessary for the redemption of all unredeemed bonds and the payment of all interest thereon, the amount of such excess shall remain in or be transferred to the said "Ely Fire Department Fund," to be used for the purpose of maintaining the system of fire protection authorized by this Act to be installed. Should the amount of said tax realized up to and including the year nineteen hundred and twenty (1920) be less than the amount necessary for the redemption of all outstanding and unredeemed bonds, and the payment of the interest accrued thereon, they shall nevertheless be redeemed and paid out of the General Fund as herein provided, and a special tax shall be levied by the Board of County Commissioners upon the property within said Town of Ely for the year nineteen hundred and twenty-one (1921) sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the usual manner and paid into the General Fund of said White Pine County.

Deficit, how met.

Special tax.

Clerk to keep record. SEC. 9. The County Clerk shall keep a record of all proceedings under the provisions of this Act, showing the number and date of each bond, and to whom issued.

Treasurer's duties. SEC. 10. Whenever the County Treasurer shall pay any of the bonds authorized by this Act, or the coupons for interest thereon, he shall cancel the same by writing across the face thereof the word "Paid," together with the date of such payment, sign his name thereto and file the same in his office. The interest on the bonds authorized to be issued by this Act shall cease to run whenever the bonds, by the terms thereof, become due and payable: *provided*, that, at the time such bonds become due and payable, there are funds on hand to meet the payment thereof.

Interest to cease.

Proviso.

Commissioners to fully equip. SEC. 11. If, after the completion of said plant and system and the payment therefor, there remain anything to be furnished said system to fully equip the same for immediate use, said Board of County Commissioners shall immediately furnish such items of equipment as may be necessary, the cost of same to be paid out of said "Ely Fire Department Fund," and the claims therefor to be allowed, audited and paid as claims against the county are allowed, audited and paid.

Disposition of remaining funds. SEC. 12. If, after the full completion of said system of fire protection, there remain any moneys in said "Ely Fire Department Fund," seventy-five per centum (75 per cent) of the moneys so remaining shall be transferred to the General Fund of said White Pine County, and the amount so transferred shall be applied to the redemption of bonds authorized by this Act to be issued; and the other twenty-five per centum

(25 per cent) so remaining in said fund shall be retained therein for the maintenance of said system.

SEC. 13. The expense of preparing and issuing the bonds provided for by this Act shall be paid out of the General Fund of White Pine County, and, after the sale of said bonds, an amount sufficient to reimburse said General Fund shall be transferred thereto from said "Ely Fire Department Fund."

SEC. 14. The faith of the State of Nevada is hereby pledged that this Act shall not be repealed, nor taxation thereby imposed omitted, until all the bonds and coupons issued under and by virtue hereof shall have been paid in full.

SEC. 15. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. LXXXII.—An Act to authorize the County Commissioners of Washoe County, Nevada, to issue bonds to provide for the removal and reconstruction of what is known as the Iron Bridge in the City of Reno, to some other point within said city, to construct a new bridge across the Truckee River in said city, and to construct and repair other bridges within said county, and to provide for the payment of the same.

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of removing and reconstructing at some other point across the Truckee River within the limits of the City of Reno, what is known as the Iron Bridge, and for the purpose of constructing a new bridge at the Virginia-Street crossing of said river in said city, and for the purpose of building and repairing other necessary bridges within said Washoe County, the County Commissioners of Washoe County are hereby authorized, empowered and directed, within thirty days after the passage of this Act, to issue bonds in the name of said County of Washoe, not to exceed in amount sixty thousand (\$60,000) dollars, which bonds shall be known as "The Washoe County Bridge Bonds."

Washoe
County
Bridge
bonds.

Sum not to
exceed
\$60,000.

SEC. 2. The said Commissioners shall cause said bonds, or as many thereof as they may deem necessary to be prepared, and they shall be signed by the Chairman of the Board, countersigned by the County Clerk, and authenticated with the seal of the county. Coupons representing the several installments of interest to fall due thereon, shall be attached to each bond, so they may be removed without injury to the bonds, numbered consecutively, and signed by the County Treasurer.

Preparation
of bonds.

SEC. 3. The said Commissioners are hereby authorized to negotiate the sale of said bonds at not less than their face or par value, the proceeds of which shall be placed in what shall

Washoe
County
Bridge Fund.

be known as "The Washoe County Bridge Fund," and shall be used only for the purpose of carrying out the provisions of this Act. It shall be paid out only on warrants drawn by the County Auditor in payment of bills contracted in pursuance of the provisions of this Act.

SEC. 4. The said bonds shall be of the denomination of one thousand (\$1,000) dollars each; they shall be numbered consecutively, and shall bear interest at the rate of not to exceed five per cent per annum, said interest payable on the second Monday of January of the second succeeding year in which such bonds, or any of them shall have been issued, and every twelve months thereafter; and on the second Monday of January, A. D. 1910, and every twelve months thereafter, one or more of said bonds shall be redeemed and paid, until all of said bonds so issued, shall have been fully taken up and satisfied.

SEC. 5. To provide for the payment of the said bonds and the interest thereon, herein authorized to be issued, the said Board of County Commissioners shall in the year 1906, and annually thereafter, at the time of levying taxes for State and county purposes, and in the same manner levy a special and additional tax upon all the property within Washoe County, sufficient in their judgment, to provide for the payment of the interest annually due on said bonds; and in the year 1909 and annually thereafter, at the time of levying taxes for State and county purposes, and in the same manner, levy a special and additional tax upon all the property within Washoe County, sufficient in their judgment to provide for the payment of the principal of one or more of said bonds, and shall every year thereafter redeem, take up and pay one or more of the bonds herein directed to be annually so taken up, redeemed and paid. The said taxes shall be assessed and collected the same as other taxes, paid to the County Treasurer, and by him placed in the Washoe County Bridge Fund. At the maturity of said bonds and the coupons thereon they shall be paid by the County Treasurer out of the said Washoe County Bridge Fund, and shall thereupon be canceled and marked paid by the County Treasurer; no interest shall be allowed or paid on any of said bonds after they have become due and payable, and shall have been called in for redemption.

SEC. 6. The new bridge to be constructed under the provisions of this Act shall be placed at the Virginia-Street crossing of the Truckee River, in the City of Reno, and shall be of a uniform width of eighty (80) feet; it shall have a sidewalk or walk-way on either side thereof, at least ten (10) feet in width; it shall have two driveways for carriages, each of which shall not be less than twenty-four (24) feet in width, and through the center thereof there shall be a carway or trackway, for the use of street cars, twelve (12) feet in width, and the Board of County Commissioners of Washoe County

Denomination.
Annual interest, 5 per cent.

Redemption.

Providing for payment of bonds and interest.

Annual special tax.

Interest to cease.

Specifications as to new bridge.

are hereby authorized to let or rent the said space for street-car purposes, to any company or companies, firms, individuals or corporations, for any term of years, for an annual rental of not exceeding one per cent of the actual total cost of construction of said bridge; the amount so received for the rental of said portion of said bridge to be paid to the County Treasurer of Washoe County, and by him placed in the said Washoe County Bridge Fund, and to be applied in the payment of the interest on the bonds herein provided for.

SEC. 7. The Mayor of the City of Reno, the Board of County Commissioners of Washoe County, and the City Council of the City of Reno are hereby constituted a Board of Directors, whose duty it shall be within thirty days after the passage of this Act:

First—To meet and determine at which point on the Truckee River the iron bridge now spanning the said river shall be placed and rebuilt; *provided*, that such iron bridge shall be placed or rebuilt at a point on the river within the city limits of Reno, the question of the greatest economy in the construction of said bridge and the convenience to the greatest number of people and general traffic to govern the decision of said Board of Directors.

Second—To meet and determine of what kind of material, whether of iron, steel, wood, cement, concrete or stone, the new bridge across the Truckee River at the Virginia-Street crossing in the said City of Reno shall be constructed.

SEC. 8. The Chairman of the Board of County Commissioners of Washoe County, the Mayor of the City of Reno, and such person as said Board of County Commissioners and the City Council of the City of Reno shall, at a joint meeting of said Board and City Council, select, are hereby constituted a Construction Board whose duty it shall be to forthwith proceed to remove and reconstruct what is known as the Iron Bridge in the City of Reno, at some point to be selected as in Section 7 of this Act provided. They shall also forthwith proceed to construct and complete the new bridge at the Virginia-Street crossing, in compliance with the provisions of this Act, and said Board is hereby granted full power and authority to do and perform each and every act which may be found necessary to be done and performed, in order to fully carry out the intent of this Act. Should a vacancy occur at any time in said Construction Board, or any one or more thereof refuse to act, the District Judge of the Second Judicial District of the State of Nevada, and on the failure or refusal of the Judge to act, the Mayor of the City of Reno, is hereby directed to forthwith fill said vacancy, by appointing a competent citizen of the City of Reno, to serve as such member of said Board. The members of said Construction Board shall serve without compensation, except that one of said Board shall be elected by the members thereof as supervising architect of the construction of said

Commissioners to
rent car-way.

Board of
Directors
constituted.

To fix
location of
bridge.

To determine
what
material.

Board of
Construction
constituted.

Duties of
said Board.

County and
city to pay
equally.

Publication
required.

Plans.

Present law
made
applicable.

Payment of
claims.

Disposal of
residue.

bridges, and shall receive as compensation therefor, such per diem as may be allowed by the Board, which compensation shall be allowed and paid out of the General Fund of Washoe County, and out of the General Fund of the City of Reno, share and share alike, as other bills against the said county and the said city respectively are allowed and paid.

SEC. 9. As soon as practicable after the meeting and organization of the said Construction Board, they shall advertise in two daily papers published in the City of Reno, for the period of two weeks, for plans and specifications for the construction of the said new bridge, and they are hereby authorized to pay the sum of one hundred and fifty (\$150) dollars for the plans and specifications accepted.

SEC. 10. All the laws in force governing the letting of contracts by the Board of County Commissioners of this State are hereby made applicable to and shall govern the Board hereby created in all their official acts.

SEC. 11. All bills contracted by the said Board of Construction, as herein created, in carrying out the provisions of this Act, shall first be approved by the majority of the said Construction Board, and shall then be allowed by the Board of County Commissioners of Washoe County, and paid as other bills are presented, allowed and paid.

SEC. 12. All moneys remaining from the sale of the said bonds, after paying for the removal and reconstruction of what is known as the Iron Bridge, and the construction of the new bridge at the Virginia-Street crossing, shall remain in the Washoe County Bridge Fund, and shall be used as necessity requires in rebuilding, repairing and constructing bridges in Washoe County, under the supervision and control of the County Commissioners of said county.

*CHAP. LXXXIII.—An Act to incorporate the Town of Sparks,
in Washoe County, and defining the boundaries thereof, and
to authorize the establishing of a city government therefor,
and other matters relating thereto.*

[Approved March 15, 1905.]

*The People of the State of Nevada, represented in Senate and
Assembly, do enact as follows:*

City of
Sparks
constituted.

Boundaries
defined.

SECTION 1. That on and after the passage and approval of this Act, and for the uses and purposes hereinafter mentioned, the inhabitants of that portion of Washoe County, Nevada, embraced within the limits hereafter set forth, shall be and constitute a body politic and corporate, by the name and style of the "City of Sparks," and by that name and style they and their successors shall be known in law, have perpetual succession and sue and be sued in all courts. The boundaries of said city shall include all the inhabitants,

lands, tenements and property embraced within the south-west quarter of section four; the south half of section five; the south half of the southeast quarter of section six; the northeast quarter of section seven; the north half of section eight; using as the southern boundary of this portion what is now known as Glendale Avenue; and the northwest quarter of section nine; all in township nineteen north, range twenty east, Mount Diablo base and meridian, and, also, such other and additional lands and tenements as may at any time hereafter be embraced or included within established limits of said city as hereinafter provided.

SEC. 2. The said city may have and use a common seal Seal of city. and the same alter at pleasure; and may purchase, receive, hold and enjoy real and personal property within or without the city; and sell, convey, and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands thereof; and what are the lands necessary to condemn; and may receive bequests, devises, gifts and donations of all kinds of property, within and without the city, in fee simple or in trust for charitable or other purposes and do any acts and things necessary to carry out the purposes of such bequests, devises, gifts and donations, with full power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of such bequest, gift or trust.

SEC. 3. The City of Sparks shall be divided into three Wards described. wards, as follows: All that portion of the territory embraced within the limits of said city, between the east and west boundaries thereof, and lying south of Harriman Avenue and any of its extensions, shall be and is hereby established as the First Ward. All that portion lying north of Harriman Avenue and any of its extensions, and east of Monroe Street and any extension thereof, shall be and is hereby established as the Second Ward. All that portion lying north of Harriman Avenue and any of its extensions, and west of Monroe Street and any extension thereof, shall be and is hereby established as the Third Ward; the exact boundary line in all cases to be computed from the center of said avenue or street as the case may be, measuring from side to side.

EXECUTIVE DEPARTMENT.

SEC. 4. The corporate powers of the city, except as hereinafter stated, shall be vested in a Mayor and City Council. Mayor and Council. The Mayor shall be an actual and *bona fide* resident, elector Qualifications. and taxpayer in the city, and he shall be chosen by the qualified electors thereof whose names appear upon the official register as hereinafter provided, and who are actual *bona fide* residents of and within the limits of said city. The Mayor Term. shall serve for a term of two years from and after the date of his election and qualification, and until his successor shall have been duly elected and qualified. He shall be the Chief

similar purposes in school districts, and if a majority of the votes cast at said election in said district by the persons qualified to vote at said election shall vote to carry out the recommendations of said Board of Trustees, then the said Board shall proceed to issue the bonds herein provided for in this Act, but before doing so said Board of Trustees shall certify the result of said election to the Board of County Commissioners of said county.

Under certain conditions, only \$5,000 bonds to be issued.

SEC. 4. Should the majority of the votes cast at said election be in favor of improving and adding to the present school building in said district instead of building a new school house, then, and in that event, the said Board of Trustees are hereby authorized to issue bonds bearing interest not to exceed six (6) per cent per annum for a sum not to exceed five thousand (\$5,000) dollars in United States gold coin, none of which said bonds shall run for a period longer than five years from the date thereof, and to be issued as provided for in Section 2 of this Act.

Bonds and coupons to be signed.

SEC. 5. The bonds and coupons herein provided for shall be signed by the Chairman and Clerk of said Board of Trustees and countersigned by the County Treasurer of said Elko County, State of Nevada.

School District No. 1 Building Fund.

SEC. 6. All moneys received from the sale of said bonds shall be paid into the county treasury, and the County Treasurer is hereby required to receive, and safely keep the same in a fund to be known as the School District No. 1 Building Fund, and to pay out the money only on warrants signed by the Chairman and Clerk of said Board of Trustees, and duly allowed by the Board of County Commissioners of said Elko County. The County Treasurer shall be liable, on his official bond, for the safe keeping of said moneys which shall come into his hands, and for the faithful discharge of his duties in relation thereto.

Providing for payment of interest.

School District No. 1 Interest Fund.

SEC. 7. For the purpose of providing for the payment of the interest upon said bonds the Board of County Commissioners of said Elko County are hereby authorized and required at the time of the annual levy of taxes for State and county purposes for the year nineteen hundred and six, and annually thereafter, to levy upon the property of said School District such a tax as in their judgment will produce the amount of money necessary to pay the interest upon said bonds, as herein provided. The taxes so levied shall be assessed and collected in the manner of the assessment and collection of other taxes; shall be paid into the county treasury and kept by the Treasurer in a fund to be known as the School District No. 1 Interest Fund, and the money in said fund shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due, upon presentation and surrender by the holder of the coupon therefor.

SEC. 8. To provide for the payment of the bonds herein

authorized to be issued, the said Board of County Commissioners shall, in the year nineteen hundred and six, and annually thereafter, at the time of levying taxes for State and county purposes, and in the same manner, levy a special and additional tax upon all the property situated within said School District No. 1, sufficient in their judgment to raise the sum of one thousand dollars each year, which shall be assessed and collected the same as other taxes, paid to the County Treasurer, and by him assigned to the General Fund of said county. At the maturity of said bonds, they shall be paid by the County Treasurer out of the General Fund of the county, upon the presentation and surrender of said bonds. If the tax, so as aforesaid levied, for the redemption of said bonds, shall exceed the sum of one thousand dollars a year, whenever the aggregate amount of money so collected shall equal the full sum necessary to redeem said bonds the tax hereby authorized for such purpose shall cease, and should there be any excess over and above the amount required to carry out the provisions of this Act, the amount of such excess shall be transferred to the School Fund of said district. Should the amount of said tax realized be less than the amount necessary for the redemption of said bond, they shall, nevertheless, be redeemed and paid out of said General Fund, as herein provided, and a special tax shall be levied by the County Commissioners, upon the property within said School District for the year in which the last bond shall fall due, sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the usual manner, and paid into the General Fund of said county.

CHAP. LXXX.—An Act to amend section one of an Act entitled "An Act to define the rights and responsibilities of owners of telephone lines in the State of Nevada," approved March 1, 1897.

[Approved March 8, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above-entitled Act is hereby amended so as to read as follows:

Section 1. All persons or corporations owning telephone lines now in operation, or who may hereafter construct and operate such lines in the State of Nevada, shall be entitled to all the rights and privileges and be subject to all the restrictions and responsibilities provided for in an Act entitled "An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages," approved February 16, 1864, and in an Act entitled "An Act to provide for constructing and maintaining telegraph lines in the State of Nevada," approved February 9, 1866, and all

Providing
for payment
of bonds.

Special
annual tax.

Excess, how
used.

Deficit, how
met.

Rights and
restrictions
of telephone
companies.

Under
subsequent
elections.

after the date of their election. At the next subsequent general city election, the Councilman elected from the Second Ward shall serve for the term of four years, and at the next subsequent general city election after the election next above mentioned, the Councilman elected from the Third Ward shall serve for the term of four years from and after the date of his election, and thereafter, the election of a four-year-term Councilman shall alternate between said wards, in the order as above named. At each general city election after the first election under this charter, two Councilmen shall be elected to succeed those whose terms are about to expire.

Vacancies.
how filled.

SEC. 12. Any vacancy occurring in the office of Councilman, shall be filled by the Mayor and Council at the first regular meeting after such vacancy, when the Council and the Mayor, who shall have the same voting power thereon as a Councilman, shall by a majority vote, elect some person possessing the requisite qualifications as hereinbefore prescribed, who shall hold said office until the election and qualification of a Councilman at the next regular general city election.

Quorum.

SEC. 13. A majority of all members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and with the approval of the Mayor, compel the attendance of the absent members.

Rules.

The Council may adopt rules for the government of its members and proceedings. It must keep a journal of all its proceedings and upon the call of any one member, or the Mayor, must cause the yeas and nays to be taken and entered upon its journal upon any question before it. Its deliberations, sessions and all proceedings must be public. The Councilmen shall receive only such salary as may be prescribed by ordinance, not exceeding one hundred dollars per annum; *provided*, that such salary when fixed, shall not be changed so as to increase the same, oftener than once every two years.

Regular and
special
meetings.

SEC. 14. The City Council shall hold regular meetings on the second and fourth Mondays of each month and shall continue in session from day to day until the unfinished business of each regular meeting shall have been fully and finally disposed of, so far as practicable. Special meetings may also be held on a call of the Mayor, or by a majority of the Council; *provided*, that no contract involving the expenditure of money shall be made or any ordinance passed or claim allowed at any such special meeting; *and provided further*, that no business shall be transacted at such special meeting except such as shall be stated in the call therefor.

Provisos.

SEC. 15. Upon the passage of ordinances, or any resolution appropriating money, allowing claims, granting, denying, increasing, decreasing, abolishing or revoking licenses or changing the rate of licenses, the yeas and nays shall be taken and the Clerk shall enter the same and the vote of

Yea's and
nays must
be taken.

each member, as well as the Mayor's vote in cases of tie, in the journal.

SEC. 16. The style of all ordinances shall be as follows: Style of ordinances.
"The City Council of the City of Sparks do ordain," and all proposed ordinances when first proposed, shall be read aloud, in full, to the Council and then laid over until the next regular meeting, for adoption or rejection. All ordinances adopted shall be signed by the Mayor and published in full together Must be with the votes cast thereon, in some newspaper published in published. the county, for the period of at least one week, before the same shall go into effect.

SEC. 17. The Council shall have the power to punish any Power to member for disorderly conduct committed in its presence and punish for contempt. to compel the attendance of witnesses and the production of all papers relating to any business before the Council; and may punish disobedience of its subpoena or any contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding fifteen days or by both such fine and imprisonment. The Mayor, Mayor pro tem. while acting in the stead of the Mayor, and Oaths. the City Clerk shall have power to administer oaths and affirmations relating to any business pertaining to the city before the Council or to be considered by it.

SEC. 18. No ordinance shall be passed except by bill and whenever any ordinance is amended, the section or sections All ordinances to be passed by bill. thereof, shall be reenacted as amended, and no ordinance shall be revised or amended by reference only to its title. Every ordinance shall embrace but one subject and matters Regulations. necessarily or properly connected therewith and pertaining thereto, and the subject shall be clearly indicated in the title, and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 19. The City Council shall have power:

First—To fix the place of its meetings and the time for calling same to order, and to judge of the qualification and election of its own members.

Second—To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, To pass ordinances, etc. or of the State of Nevada, or to the provisions of this charter, necessary for the municipal government and the management of the city affairs, for the execution of all the powers vested in said city and for making effective the provisions of this charter.

Third—To levy and collect annually, a tax of not to exceed Annual tax. one per cent upon the assessed value of all real and personal property within the city, and which is by law, taxable for State and county purposes.

Fourth—To sell, use, lease, control, improve and take care City property of the real estate and personal property of the city; provided, Proviso.

said Council shall not have power to mortgage, hypothecate or pledge any property of the city for any purpose.

Public
streets,
bridges,
sewers, side-
walks, etc.

Assessment
of costs of
improve-
ments.

Lien, when.

Fire
Department.

Regulating
combus-
tibles.

Nuisances.

Public health

City Board
of Health.

Secretary
and Health
Officer.

To inspect
food stuffs.

Fifth—To lay out, extend, change the grade, open, vacate and alter the streets and alleys in the city, and by ordinance, provide for the graveling, grading, draining, cleaning, repairing, paving, repaving, widening, narrowing, lighting, surfacing, resurfacing or otherwise improving the same, and for the construction, repair, regulation and preservation of sidewalks, crossings, bridges, drains, curbs, gutters, and sewers, and to prevent or remove obstructions thereto or to the streets and alleys throughout the city and to provide for the numbering of houses; *provided*, that the Council may, in its discretion, assess the cost or a portion thereof, of grading, paving or otherwise improving any street as above provided, upon the property fronting thereon, in proportion to the frontage, or the cost of repairing or building any sidewalk, to the owner of the property in front of which said sidewalk or proposed sidewalk may be, in proportion to the frontage of said property, and make such costs of improvement, grading, repair or building a lien upon such property, which

lien shall be in the name of the city, be preserved by the person acting as City Attorney verifying and filing for record in the County Recorder's office, a claim of lien as nearly as practicable, in form the same as provided by general laws for mechanics' liens, and said lien shall be enforced and foreclosed in the name of the city, in the same manner and with like effect as is provided by general laws, for the foreclosure of mechanics' liens.

Sixth—To organize, regulate, maintain and disband a Fire Department; to provide for the extinguishment of fire; to regulate or prohibit the storage of gunpowder or other explosive or combustible or inflammable material within, or transported through the city, and to prescribe the distance from said city where the same may be stored, held or kept.

Seventh—To determine by ordinance, what shall be deemed nuisances, and to provide for the abatement, prevention and removal of the same, at the expense of the parties creating, causing or committing such nuisances and to provide for the penalty and punishment of the same.

Eighth—To provide for safe-guarding the health of the city. For this purpose, the Council, with the Mayor who shall be President of the Board, shall act as a City Board of Health, and the Council may by ordinance prescribe its duties and powers. The Council may elect a Secretary of the Board of Health who shall be the Health Officer of the city and have full powers as such over all matters pertaining to health sanitation and sanitary matters. The Board of Health may be empowered among other things, to inspect all meats, poultry, fish, game, bread, butter, cheese, milk, lard, eggs, vegetables, flour, fruits, meal, and all other food products offered for sale in the city and to have any such pro-

ducts as are unsound, spoiled, unwholesome or adulterated summarily destroyed. Said Board shall have power to make all needful regulations for the preservation of the health and suppression of disease, and to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations and the City Council shall have power to enforce the same by providing adequate penalties for violations thereof. The Council may erect or otherwise acquire a pest house, temporarily or permanently, at such distance from the city limits as it shall deem practicable, and the Health Officer shall have the power to establish temporary pest house or pest houses in the case of emergency or epidemics. The Council may by ordinance prescribe a salary for the Health Officer, but such salary when fixed, shall not be changed so as to increase the same, oftener than once every two years, except temporarily during the period of an emergency caused by dangerous epidemic or the like.

*Quarantine.
Pest house.
Salary of
Health
Officer.*

Ninth—To fix, impose and collect a license tax on, and to regulate all lawful trades, callings, professions and business, conducted in whole or in part within the city, including all theaters, theatrical or melodeon performances and performances of any and every kind for which an admission fee is charged, or which may be held in any house, place or enclosure where wines, spirituous, malt, vinous or intoxicating liquors are sold or given away; circuses, shows, billiard tables, pool tables, bowling alleys and all exhibitions and amusements; to fix, impose and collect a license tax on and regulate all taverns, hotels, restaurants, saloons, eating houses, lunch counters, bar-rooms, lodging houses accommodating four or more lodgers; bankers, brokers of every and all kinds, manufacturers, livery stables, express companies, telegraph and telephone companies, street railway companies, operating in whole or in part within said city. To fix, impose and collect a license tax on and regulate auctioneers and stock brokers. To fix, impose and collect a license tax on, regulate, prohibit or suppress, all tippling houses, dram-shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, except those dealing in their own agricultural products of this State. To fix, impose and collect a license tax on, regulate, prescribe the locations of or suppress all saloons, bar-rooms, gambling games, places where intoxicating drinks are sold or given away, street fakirs, street peddlers, except as above stated, fortune tellers, mediums, astrologers, palmists, clairvoyants, and phrenologists, pawn shops, pawn brokers, refreshment or coffee stands, booths and sheds. To prohibit and suppress all dog fights, prize fights, cock fights, bear, bull or badger baits, sparring and sparring contests and exhibitions. To fix, impose and collect a license on, regulate, prohibit or prescribe the location of gambling and gaming houses, gambling and gaming of all kinds, faro and all games of chance; houses of ill-fame, hurdy-gurdy houses, bawd houses,

*Licensing
and regulat-
ing various
trades, call-
ings and
business.*

Licensing
and regulat-
ing various
trades, call-
ings and
business.

Provisos.

and any and all other places where persons resort to for lewd or lascivious purposes, or purposes of lewdness or prostitution, including dance houses having special attractions such as music or otherwise. To fix, impose and collect a license tax on and regulate all lawful professions, trades, callings and business whatsoever, including grocers, merchants of every, any and all kinds, trades and traders, hotels, butcher shops, slaughter houses, wood and fuel dealers, coal dealers, sewing machine agents, marble or stone dealers, saddle and harness makers, cigar stores, cigar manufacturers, stationery stores, confectionery stores, newspaper stands, plumbing shops, tin shops when separate from hardware stores, hardware stores, paint, paper or oil stores, bicycle repair shops, cycleries, warehouses, cold storage plants, daily, weekly, semi-weekly, monthly and semi-monthly newspapers or publications, ice peddlers, insurance companies, fire, life and accident, and agents or solicitors for the same, shooting galleries, upholsterers, barber shops, carpet cleaners, photographers, wagon makers, wheelwrights, blacksmith shops, horseshoeing shops, tailors and tailor shops, shoe shops, cobblers, tinkers, cloth cleaning and dyeing establishments, bootblack stands, all billiard or pool games or other table games or games played with cue and balls or other mechanical device, bakeries, milliners, gunsmith shops, steam renovating works, dressmaking establishments, local railroad, telegraph and telephone companies, express companies, stage companies, electric light, water and power companies, bankers, brokers, job printers, manufacturers of soda waters or other soft drinks, or of beer, malt, spirituous or vinous liquors or other alcoholic beverages, brewing agencies, wholesale liquor houses, ore purchasers or brokers, sampling works, flour mills, city express and job wagons, draymen, second-hand stores, messenger service establishments, contractors, contracting mechanics or builders, sash and door factories, planing mills, machine shops, car shops, building and loan companies, agents or solicitors for the same, real estate agents, popcorn, peanut and fruit stands, music stores, dry goods stores, furniture stores, drug stores, undertakers, boot or shoe stores, tamale stands or shops, abstract of title companies or persons furnishing the same, foundries, iron works, notions and notion stores, advertising by bill boards, placards and the like, gun stores, sporting, hunting and fishing tackle stores, jewelry stores, resorts for amusement of all kinds, and all and singular, all business, trades and professions including attorneys, doctors, physicians and dentists and all character of business or callings not herein specifically named; *provided*, that in fixing any license, the Council must have due regard to, and be governed as far as possible by, the amount or volume of business done by each person, firm, company, association or corporation thus licensed and on a pro rata basis; *provided further*, that no street railway com-

pany shall be required to pay municipal license taxes in excess of the sum of twenty dollars a quarter. The City Council shall have power to fix, impose and collect an annual per capita tax on all dogs and to provide for the destruction of all dogs upon which said tax shall not have been paid; to fix, impose and collect a license tax on and regulate hacks, hackney coaches, cabs, omnibuses and all other vehicles used for hire, and to regulate the stands of all hacks, hackney coaches, cabs, omnibuses, express wagons, drays, job wagons and to regulate their rates of fare, and to require schedules of rates to be posted on or upon such public vehicles; to fix, impose and collect a license tax on, regulate or suppress runners for hotels, taverns or other business.

Tenth—To prevent and restrain any riot or riotous assembly, or disorderly conduct within the city, and to provide for the punishment of the same.

Eleventh—To provide for the formation of a chain-gang for persons convicted of offenses against the ordinances of the city, and for their proper employment for the benefit of the city, and to safe-guard and to prevent their escape while being so employed.

Twelfth—To provide for conducting all city elections, except the first one hereunder, regular or special, establishing election precincts, changing the same and appointing the necessary officers of election.

Thirteenth—To regulate the speed at which cars, automobiles, bicycles and other vehicles may run, within the city limits, and to prescribe the length of time any street may be obstructed by cars standing thereon, and to require railway companies either to station flagmen or place such sufficient warning signals or signal bells on street crossings, as may in the judgment of the Council be necessary, and to require street railway cars to be provided with modern fenders, and to have warning or signal bells rung at all street crossings.

Fourteenth—To examine all books, papers, reports and statements of the several officers or other persons having custody, care or disbursement of any moneys belonging to the city, and to examine and liquidate all accounts and claims against the city, and to allow or reject the same, or any part thereof.

Fifteenth—To provide for the issuance of all licenses in this charter authorized, and to fix the amounts thereof, and to fix the times for, manner of and terms upon which the same shall be issued.

Sixteenth—To make all appropriations, examine and audit, reject or allow the accounts of all officers, or other persons having the care or custody of any city moneys or property, and to determine the fee or salary of such officer or person, except as herein otherwise provided; to make contracts and agreements for the use and benefit of the city, such con-

Licensing
and regulat-
ing various
trades, call-
ings and
business.

Dog tax.

Riots.

Chain-gang.

City
elections.

Regulating
speed of
vehicles.

To examine
documents.

Issuance of
licenses.

To make
appropri-
ations, con-
tracts, etc.

Provisos. tracts to specify the fund out of which payment for the same is to be made; *provided*, that in no case shall a liability be created or warrant drawn against any fund beyond the actual amount then existing in such fund, wherewith to meet the same; *and provided further*, that if any debt is created against the city, contrary to the provisions of this charter by the said Council, such debt, claim or obligation shall be null and void as against the city, or any of its funds, but every Councilman voting in favor of the same shall be held personally liable, jointly and severally, for the entire debt so made and shall be deemed guilty of malfeasance in office, and upon conviction thereof shall be removed therefrom.

Certain debts void.

Malfeasance and penalty.

Cemeteries. Seventeenth—To control, enlarge or abolish cemeteries and to sell or lease lots therein; to control and regulate the interments therein and to prohibit them within the city limits and to prescribe the distance from said limits where the same may be located.

Fire limits, etc. Eighteenth—To establish, lay out and to change fire limits and to regulate or prevent the erection or repair of wooden buildings herein; to regulate and prescribe the material to be used in the construction of buildings and sheds in such limits; and regulate, prescribe or prohibit awnings, porches, signs, placards or bill boards over sidewalks or across streets and to regulate the same throughout the city.

Registration of city voters. Nineteenth—To provide by ordinance for a supplemental registration of all persons possessing the requisite qualifications of voters in said city, and whose names do not appear on the official register of voters in said city for the last preceding general election; such registration to be held every two years before the Police Judge and conform as nearly as possible with the requirements of general laws governing registration of persons for general elections; *provided*, that no such supplemental registration shall be taken later than thirty days preceding any regular city election.

Proviso. Twentieth—To provide and maintain a City Prison and to provide for the guarding, safe-keeping, care, feeding and clothing of the city prisoners.

Animals at large. Twenty-first—To prevent or regulate the running at large within the city, of any poultry, hogs, sheep, goats, swine, horses, cows, or animals; to establish a pound and to authorize the impounding, sale or destruction of any animals or fowls found running at large.

Pound. Twenty-second—To regulate or prohibit the use of steam boilers; the location of telegraph, telephone, electric light and other poles and suspension thereon of wires, and the construction of entrances to cellars and basements from sidewalks.

Steam boilers, poles, wires, etc. Twenty-third—To prevent and regulate the erection or maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures; to prescribe the manner of construction and location of drains and sewers; to lay out,

Unsafe buildings.

change and create sewer districts; to require connections with sewers; to require owners or lessees of public buildings or buildings used for public purposes, including hotels, dancing halls, theaters and theater buildings, to place in or upon the same fire escapes and appliances for protection against and the extinguishment of fire; to prevent the construction and cause the removal of dangerous chimneys, stovepipes, ovens and boilers, and to prevent the depositing of sewer filth, offal, manure or other offensive matter in the city; to prevent the depositing of ashes, rubbish, shavings or any combustible material in unsafe places; to regulate and compel the cleansing at the expense of the persons in possession or responsible therefor, of all nauseous matter, filth, accumulated rubbish or debris; to compel the abating of nauseous, stinking, or foul privy vaults.

Twenty-fourth—To regulate the entrance to and exit from, theaters, lecture rooms, public halls and churches and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools or benches in, or crowding or otherwise obstructing the aisles, entrances or exits of such places.

Twenty-fifth—To regulate and control the construction and maintenance of any tubes, pipes or pipe lines, ditches, signal bells, warning signs and other electric, telegraph, and mechanical appliances, in, along, over, under and across the streets and alleys; *provided*, that no such appliances shall be placed so as to interfere with the fire alarm system, or extinguishment of fires, or permanently with the free use of the streets, sidewalks or alleys.

Twenty-sixth—To require every railroad and street railway company to keep the streets in repair between the tracks and along and within the distance of at least two feet upon each side of the tracks.

Twenty-seventh—To require upon such notice as the Council may direct, any noxious or offensive smell, filth or debris, to be abated, removed or otherwise destroyed, at the expense of the person or persons causing, committing or responsible therefor, and the Council, in like manner, may require or cause any lots or portions of lots covered by stagnant water for any period, to be filled up to such level as will prevent the same from being so covered, and may assess the cost of filling upon such real estate, and provide that it shall be a lien thereon, in which case said lien shall be enforced as in other cases herein provided for.

Twenty-eighth—To provide for and regulate the manner of weighing all food products and food stuffs, and hay, grain, straw and coal, and the measuring and selling of firewood and all fuel within the city and to provide for the seizure and forfeiture of such articles offered for sale which do not comply with such regulations, and to examine, test, and provide for the inspection and sealing of all weights and measures,

Sewers.

Fire escapes
on public
buildings.

Fire
precautions.

Nuisances.

Exits and
entrances to
public halls.

Over-
crowding.

Pipe lines,
wires, etc.

Proviso.

Railways to
repair streets

To abate
nuisances.

Weights and
measures.

throughout the city and enforce the keeping by traders and dealers, of proper weights and measures duly tested and sealed, and by ordinance, provide a penalty for the using of false weights or measures.

Twenty-ninth—To restrain and punish vagrants, drunkards, disorderly persons, common prostitutes, mendicants, street beggars, house beggars, and lewd persons; to suppress and abolish houses of assignation, or places resorted to by persons for the purpose of prostitution or immoral purposes; to prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness, obscene language or conduct, indecent exposure of person, loud and threatening, or lewd or obscene language, or profane language in the presence and hearing of women or children, and all obnoxious, offensive, indecent and disorderly conduct and practices within the city; to prevent and punish the discharging of fire-arms in the city; the lighting of fires in yards, streets, or alleys or other unsafe places, or anywhere within the city; to prevent and punish fast horseback riding, or the riding or breaking to drive, of wild or unmanageable horses in the city; to require that all horses when left standing, shall be hitched to post or weight; to prescribe the length of time horses may be left tied, hitched or otherwise, in the city.

Thirtieth—To regulate the use and sale of water, gas, electric and other lights in the city; to fix and determine the price thereof as well as the rental price of all water, and gas and electric light meters in the city and to provide for the inspection of such meters; to regulate telephone service and the use of telephones, and to fix and determine the charges for telephone, telephone service and connections within the city.

Thirty-first—To regulate lodging, tenement and apartment houses having four or more lodgers; to prevent the over-crowding of the same, and require the same to be kept in a sanitary condition.

Thirty-second—To adopt and enforce by ordinance, all such measures and establish all such regulations, in case no express provision is in this charter made, as the Council may from time to time deem expedient and necessary for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of said city, the preservation of peace and good order, the promotion of public morals and the suppression of vice in the city, and to pass ordinances upon any other subject of municipal control, or to carry into force or effect any other powers of the city, and to do and perform any, every and all other acts and things necessary for the execution of the powers conferred or which may be necessary to fully carry out the intent, purposes and object thereof.

To punish vagrancy, drunkenness, prostitution, etc.

Fire-arms.

Fast driving.

Cruelty to animals.

To regulate water, light and telephone charges.

Lodging houses.

To protect public health, life, comfort and property.

Thirty-third—To select, appoint and employ an engineer, To employ
surveyor, architect or other skilled mechanic or person, from competent
time to time, whenever in the judgment of the Council it supervisor.
shall be necessary or expedient, for the purpose of preparing
plans for, or supervising the construction of or directing any
public work; the salary or compensation, duties and responsi- Salary of
bilities of such person to be fixed, determined and fully same.
defined by ordinance.

Thirty-fourth—To prescribe fines, forfeitures and penalties Fines for
for the breach or violation of any ordinance, or of any pro- violation of
visions of this charter, but no penalty shall exceed the city laws.
amount of five hundred dollars, or six months imprisonment or both such fine and imprisonment.

Thirty-fifth—To require of and prescribe the amount and Official
conditions of official bonds from the members of the Council bonds.
and all officers of the city, whether elective or appointive.

Thirty-sixth—To institute and maintain any suit or suits, To maintain
civil or criminal, in the name of the city, in the proper courts, all suits at
whenever necessary, in their judgment, to enforce or main- law.
tain any right of the city, and they may in like manner, defend all actions against the city; to institute and maintain any suit against any property owner refusing or neglecting to pay as assessed by the Council, his ratable proportion of the cost of paving, grading or otherwise improving any street, or building any sidewalk or other improvement, which benefits such property or owner thereof.

Thirty-seventh—To hold, manage, use and dispose of all To manage
real and personal property of the city, and to enforce the all city
payment and collection of all dues or demands of every property.
nature or kind, belonging or inuring to the city, but no sales of property shall be made until after it shall have been appraised by three appraisers, residents and taxpayers of the city, at the actual market value, nor shall it be sold for less than seventy-five per cent of such appraised value; provided, Proviso.
that no park or property acquired for park purposes shall be so sold or in any manner disposed of.

Thirty-eighth—Any property, real or personal, necessary or required for the public use of the city may be condemned Condem-
and appropriated in the manner now prescribed by law and nation for
all rights of eminent domain may be exercised by the city in public use.
relation thereto.

Thirty-ninth—Nothing herein contained shall be construed as authorizing or permitting the opening or extension of any street across or upon the lands within the boundaries of said City of Sparks occupied for railroad purposes by the Central Pacific Railway Company, or the Southern Pacific Company, their successors or assigns, said lands being particularly described as follows, to wit:

Commencing at a point which is the section corner common to Sections Numbers 4, 5, 8 and 9, Township 19 North, Range 20 East, Mount Diablo Base and Meridian, and running thence Description of C. P. and S. P. R. R.
property.

Description
of C. P. and
S. P. R. R.
property.

westerly along the north boundary line of said Section Number 8, a distance of two hundred and forty-three (243) feet, more or less to the northeastern corner of the town site of Sparks, as shown on the town site map recorded in the office of the County Recorder of Washoe County on April 25, 1904, at request of the Southern Pacific Company; running thence from said corner southerly at right angles along the eastern boundary line of said town site of Sparks a distance of four hundred and twenty (420) feet to the southeastern corner of said town site of Sparks; thence at right angles westerly along the south boundary line of the said town site of Sparks parallel with and distant four hundred and twenty (420) feet from the north boundary line of said Section Number 8, a distance of twenty-three hundred and sixty-three (2,363) feet, more or less, to a point in the west boundary of the northeast quarter of said Section Number 8, said point being also the southwest corner of the said town site of Sparks: thence south along said west boundary of the northeast quarter of said Section 8, a distance of three hundred and forty-five (345) feet, more or less, to a point distant sixty-five feet at right angles northerly from the center line of the reconstructed line of the Central Pacific Railway as located and constructed; thence westerly to the right with an angle of 82 degrees and 24 minutes and parallel with and distant sixty-five feet at right angles northerly from said center line, a distance of one thousand and twenty-five (1,025) feet, more or less, to a point on the east line of Elm Street; thence at right angles southerly along the said easterly line of Elm Street and crossing the said center line of the reconstructed Central Pacific Railway at or near Engineer Survey Station Number 66 plus 80, a distance of three hundred and five (305) feet to a point; thence at right angles easterly two hundred (200) feet to a point; thence at right angles southerly one hundred and sixty (160) feet to a point which is distant four hundred (400) feet at right angles southerly from the center line of the said reconstructed Central Pacific Railway; thence at right angles easterly parallel with and distant four hundred (400) feet at right angles southerly from said center line, a distance of eight hundred and eighty-eight (888) feet, more or less, to a point in the said west boundary of the northeast quarter of said Section 8; thence southerly along said quarter section line a distance of eighty-five (85) feet, more or less, to the southwest corner of the north one-half of the northeast quarter of said Section 8; thence east along the south boundary of the said north one-half of the northeast quarter of Section 8 and the south boundary of the north half of the northwest quarter of Section 9 of said township and range, a distance of three thousand four hundred and sixty-five (3,465) feet more or less, to a point distant fifty (50) feet, southerly at right angles from the said center line of the reconstructed

Central Pacific Railroad; thence southeasterly parallel with said center line and distant at right angles fifty (50) feet therefrom, a distance of eighteen hundred and twenty-five (1,825) feet, more or less, to a point in the east boundary line of the northwest quarter of said Section 9; thence north along said quarter section line and crossing the said center line at Engineer Survey Station Number 130 plus 33.15 a distance of one thousand and sixty-two (1,062) feet, more or less, to a point; thence at right angles westerly a distance of three hundred and fifty (350) feet to a point; thence northerly and parallel with the east line of said northwest quarter of Section 9, four hundred and ninety-five (495) feet to a point in the north line of said Section 9, Township 19 North, Range 20 East, M. D. M.; thence west along said north line of said Section 9, a distance of twenty-three hundred and eleven (2,311) feet to the point of beginning, said parcel of land being all in said Sections 8 and 9, Township 19 North, Range 20 East, Mount Diablo Base and Meridian.

Description
of C. P. and
S. P. R. R.
property.

CITY CLERK.

SEC. 20. There shall be a City Clerk who shall be ex officio Treasurer and Tax Receiver of the City. He shall be elected by the qualified electors of said city at each general city election. As City Clerk he shall have the custody of all books and records, the corporate seal and all documents not otherwise specially provided for. He shall be Clerk of the Council, attend all its meetings, whether regular or special, and record all its proceedings and shall audit all claims against the city. He shall record in a journal, all ordinances, by-laws, rules and resolutions passed or adopted by the Council, which journal, after approval at each regular meeting, shall be signed by the Mayor and attested under the hand of the Clerk. He shall countersign all licenses and permits issued to any officer for the use of the city and shall charge such officer with the same. He shall countersign all warrants drawn upon the Treasurer by the Mayor. He shall, when required, make and certify under the seal of the city, copies of any and all papers, documents or records in his custody and such copies shall be *prima facie* evidence of the matters therein contained, and he shall have the power to administer oaths and affirmations. All claims against the city shall be filed with the Clerk who shall report upon the same and all matters pertaining to his office, at least once each month or oftener as the Council shall prescribe, which report shall be in writing and under oath. The City Clerk shall receive for his services as such, as well as for services performed ex officio, such salary as may be prescribed by the Council, not exceeding three hundred dollars per annum; *provided*, that such salary, when fixed, shall not be changed so as to increase the same oftener than once every two years.

City Clerk
ex officio
Treasurer
and Tax
Receiver.

To keep
journal.

Countersign
licenses.

Make copies.

To report.

Salary.

Proviso.

CITY TREASURER.

Duties of City Treasurer. SEC. 21. As ex officio Treasurer of the City, the Clerk shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and pay the same out only on claims duly allowed by the Council, except the interest or principal of any municipal bonded indebtedness, and shall perform such other and further duties as may be required of him or prescribed by the Council. As Treasurer, the City Clerk shall before entering upon the duties of his office, execute a good and sufficient official bond with approved sureties, in such sum and conditioned as may be required by the Council. The City Clerk shall not be entitled to any additional compensation by reason of any services performed by him as ex officio Treasurer of the city; *provided*, the City Council may, in the exercise of its sound discretion, segregate the office of City Clerk from that of Treasurer of the city, in which case, the manner of selection or election of the City Treasurer, salary and duties, shall be fully defined, fixed and determined by ordinance.

Bond.**Offices may be segregated.****City Attorney.****Compensation.**

CITY ATTORNEY.

SEC. 22. A City Attorney may be elected by the Council, or an attorney may be employed by the Council without such election, from time to time, as the necessities of the business shall require. The person so elected or employed, as the case may be, shall perform such duties and receive such compensation as may be prescribed by the Council.

CITY ASSESSOR.

County Assessor to be ex officio City Assessor.

SEC. 23. The Assessor of Washoe County shall, in addition to the duties now imposed upon him by law, act as the Assessor of the city, and shall be ex officio City Assessor without further compensation. He shall perform such duties as may be prescribed by the Council.

Justices of the Peace to be ex officio Police Judges.**Bond.****Proviso.**

JUDICIAL DEPARTMENT.

SEC. 24. The Justices of the Peace in and for Sparks Township shall be ex officio Police Judges of said city; *provided*, that such Justices execute and file as ex officio Police Judges, such bonds as the Council by ordinance may prescribe; *and provided further*, that nothing herein contained shall be so construed as to deny or abridge the power of the Council to elect as Police Judge of said city, any competent person other than said Justices of the Peace. The Police Judge shall have the jurisdiction and powers in said city as are now provided by law for Justices of the Peace, wherein any person or persons are charged with the breach or violation of the provisions of any ordinance of said city or of this charter, of a police nature; *provided*, that the trial and pro-

ceedings in such cases shall be summary and without a jury. The Police Judge shall have jurisdiction to hear, try and determine all cases, whether civil or criminal, for the breach or violation of any city ordinance or any provision of this charter of a police nature, and shall hear, try, determine, acquit, convict, commit, fine or hold to bail in accordance with the provisions of such ordinances. The practice and proceedings in said court shall conform as nearly as practicable to the practice and proceedings of Justice's Courts in similar cases. Fines imposed by the Police Judge may be recovered by execution against the property of the defendant, or the payment thereof enforced by imprisonment in the city jail of said city, at the rate of one day for every dollar of such fine, or said Police Judge may, at his discretion, adjudge and enter upon his docket, a supplemental order that such offender shall work on the streets or public works of said city, at a rate of two dollars for each day of the sentence, which shall apply on such sentence or fine, until the same shall be exhausted or otherwise satisfied.

SEC. 25. Said Police Judge shall have exclusive original jurisdiction of any action for the collection of taxes or assessments levied for city purposes, when the amount claimed does not exceed three hundred dollars exclusive of costs, including the foreclosure of liens for street improvements, when the principal sum claimed does not exceed three hundred dollars; *provided*, that nothing herein shall be so construed as to give such court jurisdiction to determine any such cause when it shall be made to appear by the verified answer, or by the pleadings in such cause, that the validity of any tax, assessment or levy, is necessarily in issue in such cause, in which case the Police Judge shall certify such cause to the District Court in like manner as provided by law for certification of causes by Justice's Courts. The Police Judge shall have exclusive original jurisdiction of any action for the collection of money payable to the city from any person, when the amount claimed exclusive of interest and costs, does not exceed three hundred dollars; also, for the breach of any bond given by any officer or person to, or for the use or benefit of the city, and any action for damages in which the city is a party, and upon all forfeited bonds or recognizances given to, or for the use or benefit of the city, and upon all appeal bonds given on appeals from said court; in any of the cases above named, when the principal amount claimed, exclusive of costs and interest, does not exceed three hundred dollars; also, for the recovery of property belonging to the city, when the value thereof does not exceed three hundred dollars.

SEC. 26. The Police Judge shall have jurisdiction of the following offenses committed within the city, which violate the peace and good order of the city, or which invade any of the police powers of the city or endanger the health of the

Certain trials
to be without
jury.

Fines.

Chain-gang
or jail.

Police
Judges to
have exclu-
sive juris-
diction
where sum
involved
does not
exceed \$300.

Appeals.

Bonds, etc.

Jurisdiction
of Police
Judges.

inhabitants thereof: Breaches of the peace, drunkenness, intoxication, fighting, quarreling, dog-fights, cock-fights, routs, riots, affrays, violent injury to property, vagrancy, indecent conduct, lewd or lascivious cohabitation or behavior, and all disorderly, offensive or opprobrious conduct, and of all offenses under any ordinance of the city.

To be
treated and
considered
as a Justice
Court.

Docket.

To report.

Any Justice
or Police
Judge of
Washoe
County may
act.

Salary of
Police Judge.

Appeals
same as in
Justice
Courts.

Construction
of terms.

SEC. 27. Such Police Court shall be treated and considered as a Justice's Court whenever the proceedings thereof are called into question. The Police Judge shall have power to issue all warrants, writs, and process necessary to a complete and effective exercise of the jurisdiction of said court, and may punish for contempt, in like manner and with the same effect as is provided by general law for Justices of the Peace. He shall keep a docket in which shall be entered all official business in like manner as in Justice's Courts. He shall prepare bonds, justify bail and administer all oaths. He shall render monthly or oftener as the Council may prescribe, an exact and detailed statement in writing, under oath, of the business done and of all fines collected as well as fines uncollected, since his last report, and shall at the same time, render and pay unto the City Treasurer, all fines collected and money received on behalf of the city since his last report.

SEC. 28. In all cases in which the Police Judge shall, by reason of being a party, or being interested or related to either defendant or plaintiff, or complaining witness, as the case may be, by consanguinity or affinity within the third degree, or in case of his sickness, absence or inability, for any reason, to act, any Justice of the Peace or Police Judge in said county, on the written request of the Mayor, may act in the place and stead of said Police Judge, and the Council shall have power to apportion ratably the salary of such Police Judge to such Justice of the Peace or other Police Judge so serving, and deduct the sum so apportioned from the salary of the Police Judge.

SEC. 29. The Police Judge shall receive such salary as may be provided by ordinance, not exceeding five hundred dollars per annum; *provided*, that such salary when fixed, shall not be changed so as to increase the same oftener than once every two years.

SEC. 30. Appeals to the District Court may be taken from any final judgment of said Police Court, in the same manner and with the same effect as in cases of appeal from Justice's Courts in civil or criminal cases, as the case may be.

SEC. 31. The words "Police Court" and "Police Judge" shall be construed to mean the same as and be synonymous with Municipal Court.

POLICE DEPARTMENT.

Chief of
Police and
Chief of Fire
Department.

SEC. 32. There shall be a Chief of Police of said city, who shall be ex officio Chief of the Fire Department. He shall be appointed by the Mayor, subject to confirmation by the

Council. He shall be an actual *bona fide* resident of the city; *provided*, that the Constable of Sparks Township shall be eligible for such appointment. The Chief of Police shall command and control the police force and have power to appoint the necessary number of policemen required by the Council; such appointees to be subject to approval and confirmation of, and salaries or compensation fixed by the Council. During any incumbency of the Constable of Sparks Township in the office of Chief of Police, any regularly appointed deputies of said constable shall be policemen of said city. The Chief of Police shall be vigilant in the detection of criminals and offenders, and the speedy apprehension of the same, and shall diligently see that all ordinances of the city of a police nature, the general laws and the provisions of this charter, are rigidly enforced and observed.

SEC. 33. The Chief of Police shall collect all city license taxes and all moneys making up the city revenues, except general or special taxes. The time and manner of collection of license taxes shall be fully provided for and fixed by ordinance. Whenever any person required by any city ordinance to take out a license, shall neglect or refuse to do so, or shall carry on any licensed business, trade or calling, without having procured the requisite license therefor, the Chief of Police shall forthwith report such delinquent to the Council, who may cause an attachment suit in the name of the city to be brought against such delinquent and the Chief of Police may make the necessary affidavit for attachment, whereupon an attachment shall issue without bond on behalf of the city and if judgment go against the delinquent in such action, the additional sum of fifteen dollars shall be included in the judgment as liquidated damages, together with the original debt and costs. No fees shall be allowed any officer or person unless the same be made as costs from the defendant; *provided*, that the attorney employed to institute such suit may receive such compensation as the Council may prescribe. The procedure and trial, except as above provided, shall be the same as in other civil cases of similar nature; *provided*, that any property in any place or building, where by ordinance, the business in such place or building is required to pay a license, shall be liable for such license and charges as above provided and may be taken on attachment or execution, without regard to the actual ownership thereof, and any form of property, the business conducted with which is required by ordinance to pay a license, may be so taken on attachment or execution without regard to the actual ownership thereof. There shall be added to every license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become a part of the license and when collected, be paid into the city treasury as other revenues.

SEC. 34. The Chief of Police shall execute all process issued

Chief of
Police to
collect all
licenses.

To report
delinquents.

Attachment,
when.

Provisos.

One dollar
additional
for delin-
quency.

Chief of Police to execute all process of Police Court.

Bond of Chief.

Salary.

Proviso.

Chief to appoint firemen.

Council to levy city tax.

Proviso.

County blanks used when practicable.

ing from the Police Court. In his absence or inability to act his chief deputy may act. The Chief of Police shall before entering upon the discharge of his duties, furnish a bond to the city, which bond shall apply in like manner, to any deputy acting in his stead. Said bond shall be in a sum and conditioned as the Council shall require, and be approved by the Council. The duties of the Chief of Police and ex officio Chief of the Fire Department may be more fully defined and provided for by such ordinances as the Council may from time to time enact. The Chief of Police shall receive such salary or compensation as the Council shall by ordinance prescribe; *provided*, that such salary when fixed, shall not be changed so as to increase the same, oftener than once every two years.

FIRE DEPARTMENT.

SEC. 35. The Chief of Police, as ex officio Chief of the Fire Department, shall see that all laws, rules, regulations and ordinances concerning the department are carried into effect and observed. He shall diligently observe the condition of all apparatus in use by the department from time to time, shall report to the Council with his recommendations for the betterment of the department, and to increase its efficiency. He shall have power, subject to confirmation by the Council, to appoint the necessary number of firemen as may be required by the Council. He shall exert himself to protect property from fire, and generally to exercise vigilance for the safety of the city against conflagrations. He shall serve as ex officio Chief of the Fire Department without additional compensation.

REVENUE.

SEC. 36. The Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax as hereinbefore prescribed, upon all real and personal property situated in the city and made assessable by law for State and county purposes; and the tax so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions (acting ex officio as city officers) as prescribed and provided in the revenue laws of the State for the collection of State and county taxes; and the revenue laws of the State shall in every respect, not inconsistent with the provisions of this charter, be deemed applicable and so held, to the levying, assessing and collecting of the city taxes; *provided*, that in the matter of equalizing or equalization of assessments upon property, the rights of the city and inhabitants thereof shall be protected in the same manner and to the same extent as is the State and county, by the action of the County Board of Equalization. And whenever or wherever practicable and expedient, all forms and blanks in use in the levying, assessing and collecting of State and county revenue, shall with

such alterations or additions as may be necessary, be used in the levying, assessing and collecting, of the revenue of the city. And the Council shall enact all such ordinances as shall be found necessary and not inconsistent with this charter and the laws of the State for the prompt, convenient and economical collection of the city revenue.

SEC. 37. All taxes collected under or by virtue of this charter or of any ordinance of the city, shall be paid to the County Treasurer of Washoe County, at the same time as payment of taxes for State and county purposes is made; *provided*, that nothing herein shall be so construed as to require payment of any license taxes to said County Treasurer. The County Treasurer of Washoe County shall receive said tax, keep the same intact and separate and apart from other tax moneys and not commingled therewith, and he shall be liable on his official bond for the correct keeping and transfer of said moneys as herein provided. The County Treasurer shall render a statement to the City Treasurer, of the moneys and the amount thereof so received by him, as often as he shall be required so to do, by resolution of the Council, duly passed, certified to under the seal of the city by the Clerk and served upon the County Auditor who shall draw his warrant for the full amount, and the said County Treasurer shall safely transmit and deliver into the treasury of the city, all moneys so collected and received by him, or so much thereof as shall be called for by the resolution aforesaid, and shall thereupon, take the receipt of said City Treasurer therefor. All such moneys shall thereupon be placed by the City Treasurer in a fund to be known as the "Sparks General Fund," and shall be so kept except as paid out upon proper warrants; *provided*, the Council may at its discretion, set apart any surplus moneys in said fund, in a fund to be kept by said Treasurer which shall be known as the "Sparks Redemption Fund," which shall be used to pay principal and interest of any outstanding bonds now or to be issued on the property of said city.

*City taxes to
be paid to
County
Treasurer.*

Proviso.

*Sparks
General
Fund.*

SEC. 38. All real and personal property levied upon for taxes due the city, if sold by virtue of any judgment for taxes, shall be sold by the officer holding the execution upon the judgment, which shall include the taxes due and all costs; *provided*, that so far as possible the collection of the tax due the city shall be made by the County Treasurer in the same manner and time as collection of taxes for State and county purposes and the lien of said city for unpaid taxes to be enforced by the said County Treasurer and the property sold for any delinquent tax due the city, in the same manner and with like effect as in the case of delinquent taxes levied for State and county purposes.

*Execution
for delin-
quent taxes.*

SEC. 39. The Board of County Commissioners of Washoe County shall, from time to time, upon the request of the Council of the city, apportion to the city, such proportion of

County Commissioners to apportion General Road Fund.

the General Road Fund of the County of Washoe as the value of the whole property within the corporate limits of the city as shown by the assessment roll, shall bear to the whole property of the county, inclusive of the property within the limits of the city; and all such moneys so apportioned, shall be expended upon the streets, alleys and public highways of the city, under the direction and control of the Council.

Powers of Council.

SEC. 40. The Council shall have power to pass all ordinances necessary or required to carry into effect, the revenue laws in said city and to enlarge, fix and determine the duties of all officers in relation thereto.

Fees and salaries regulated by ordinance.

MISCELLANEOUS.

Claims, how allowed.

SEC. 41. The fees, salaries or other compensation of officers or other persons, shall be regulated by duly enacted ordinances as to salaries, and by resolution as to compensation for persons not regularly employed by the city. All claims for fees, salaries and all expenses necessarily incurred in carrying on the legitimate purposes and properly administering the duties of the city government, and all claims against the city, wherever the nature of such claims will permit, shall be filed with the City Clerk and acted upon by the Council at the first regular meeting thereafter of each and every month, and the Council shall consider and allow or reject the same in the order as presented and filed, and the record of their action shall be entered upon the journal. Upon allowance in whole or in part of any claim, by the majority of the Council, the City Clerk shall certify all such claims or portions allowed as the case may be, to the Mayor, who shall draw a warrant upon the Treasurer for the amount so allowed, and shall state in general terms, the nature of the claim. The warrant shall be countersigned by the City Clerk and when so presented to the Treasurer, the same shall be paid by him. On paying any warrant, the Treasurer shall

Warrants.

Treasurer to cancel.

write or stamp across the face thereof, in red ink, the word "Redeemed" with the date of such redemption, and sign his name thereto officially, and the warrant so canceled shall be a sufficient voucher for the Treasurer in his settlement with the Council, which shall take place annually, on the third Monday of December of each year; *provided*, the Council shall have the power at any time, to require a statement and settlement with said Treasurer.

Holder of rejected claim may sue city.

SEC. 42. The holder of any demand or claim mentioned in this charter which has been rejected in whole or in part, may within six months after date of such rejection, commence an action in any court of competent jurisdiction for the recovery of the claim or amount so rejected, as the case may be, and if not so commenced, such claim or amount so rejected, together with the right of action thereon, shall be forever barred, and the Council shall not have power to allow or pay the same in whole or in part at any time sub-

When forever barred.

sequently. The action shall be against the city and the service of summons shall be upon the Mayor, or, in his absence or inability to act as Mayor, upon the Mayor pro tem. In case of a final recovery of judgment by the plaintiff, no execution shall issue therefor, but the Council must allow the amount thereof with costs as taxed, which judgment, with such costs, shall be paid in the order of claims against the city as presented; *provided*, that nothing herein shall be so construed as to make the city liable for any damages suffered or incurred by any person for or by reason of any neglect of the city or any of its officers. *Proviso.*

SEC. 43. No debts shall be created directly or indirectly against the city, nor shall any contract for supplies, water, gas, electric light or any supplies for the city, or any contract whatever, made by or on behalf of the city, be valid for any amount exceeding the revenue for the year in which the contract is made, with which to meet the same, except as otherwise provided in this charter. *Debts and contracts, when invalid.*

SEC. 44. No officer of the city shall be directly or indirectly interested in any contract with the city or with any officers thereof, in their official capacity for, or in doing any work or furnishing any supplies for the use of the city or its officers in their official capacity, exceeding the sum of fifty dollars, and any claim for any amount in violation hereof, shall be void and if allowed shall not be paid by the Treasurer. Any wilful violation of the provisions of this section shall be deemed a misdemeanor and punished as such, and shall subject the offender to removal from office. *Officers not to be interested in contracts.* *Penalty.*

SEC. 45. All money now in the possession or under the control of the Treasurer of Washoe County, or which may hereafter come into his possession or under his control, belonging to the Town of Sparks, is hereby transferred to the Sparks General Fund and made subject to the provisions of this charter, and all outstanding bonds or indebtedness, if any, of the Town of Sparks, shall be transferred and applied to and be binding upon the City of Sparks, in like manner and with the same effect to all intents and purposes, as if said bonds or indebtedness, if any, had been originally issued or contracted by said city. *Sparks General Fund.*

SEC. 46. A contested election for any city office must be determined according to the law of the State regulating proceedings in contested elections in county offices. *Contested elections.*

SEC. 47. No ordinance, order or resolution of the Council, having for its object or effect, directly or indirectly, the increasing of the salary or compensation of any officer of or person employed under the city government, in excess of the maximum amount as herein provided for, shall be valid or effective for any purpose or purposes whatsoever; *provided*, the Council may, in the exercise of its sound discretion, decrease the salaries or compensation of the members thereof, or of any officer of the city, whether elective or appointive, *Salaries, restriction as to.* *Provisos.*

and such decrease shall take effect immediately; *provided further*, that no such decrease shall apply to or affect the then incumbent in the office of Mayor.

Misconduct
in office.

SEC. 48. Any wilful misconduct in office, or any wilful violation of any of the provisions of this charter, or of the provisions of any ordinance, or any wilful failure to comply therewith by any officer of the city, whether elective or appointive, shall be deemed malfeasance in office, and any person guilty thereof shall be proceeded against in the same manner as prescribed by the laws of the State, relative to proceedings and prosecutions against district, county and township officers, for misconduct in office, and any person found guilty shall forever after be disqualified to hold any office under said city government.

Penalty.

This Act a
public Act.

SEC. 49. This Act shall be deemed a public Act and may be read in evidence without further proof, and judicial notice shall be taken thereof in all courts and places.

Charter
same as Act.

SEC. 50. The word "Charter," wherever and whenever the same occurs herein, is intended to and does mean, and shall be construed to be the same as and synonymous with, the word "Act."

General laws
to supersede.

SEC. 51. Ordinances adopted and passed by the Council shall not supersede the general laws of the State with respect to their operation within said city, unless it be so expressly declared in such ordinance.

Official oath.

SEC. 52. All officers of the city, whether elective or appointive, shall take and subscribe to the official oath of office.

MUNICIPAL BONDS AND FRANCHISES.

City may
acquire
public
utilities.

SEC. 53. The city shall have the power to acquire and purchase water, light, gas and power systems and any public utility, and to hold, manage and operate the same when acquired, for the public use and benefit of the people of the city. The Council, when deemed advisable, shall submit a proper resolution and the same may be voted upon by the people in all respects as provided herein for special elections.

Special
election.

Council may
create
bonded
indebtedness

Restriction.

Publication
of intention.

SEC. 54. The Council shall have the power by ordinance to grant any franchise or create any city or municipal bonded indebtedness, but no ordinance for such purpose or purposes shall be valid or effective for any purpose unless the Council shall first pass a resolution which shall set forth fully, and in detail, the purpose or purposes of the proposed bonded indebtedness, the terms, amount, rate of interest and time within which redeemable and on what fund; or the applicant for, the purpose and character of, terms, time and conditions of the proposed franchise as the case may be. Such resolution shall be published in full in some newspaper published in the city, for the period of at least four weeks. On the first regular meeting of the Council, after the expiration of the period of such publication, the Council shall, unless a petition shall be received by it as in the next section provided,

proceed to pass an ordinance for the issuing of the bonds, or the granting of the franchise as the case may be; *provided*, Provisos. that such bonds shall be issued or municipal indebtedness created, or franchise granted as the case may be, only on the same terms and conditions in all respects as expressed in the resolution as published, otherwise such ordinance shall be null and void; *and provided further*, that the Council shall dispose of said bonds or franchise, as the case may be, only to the person or persons offering the best and most advantageous terms to the city.

SEC. 55. The ordinance passed, as in the preceding section provided for, shall be valid to all intents and purposes as other ordinances duly and legally passed by the Council, and any municipal bonded indebtedness created, bonds issued or franchise granted thereby, shall be in all respects valid and legal; *provided*, that if at any time within twenty days from the date of the first publication of the resolution mentioned in the preceding section, a petition signed by not less than one hundred residents and taxpayers in said city, representing not less than one-tenth of the taxable property of said city, according to the next preceding assessment roll, shall be presented to the Council, praying for a special election in said city upon the question of whether or not the proposed ordinance shall be passed, then it shall be the duty of the Council to call a special election as soon as practicable; such election shall be held and conducted, as nearly as possible, in the same manner as elections for city officers. Notices of such election shall be given in some newspaper published in the city, which notice shall be printed underneath the resolution hereinbefore mentioned and refer to the same, and the notice and resolution shall be so published together for a period of at least two weeks before such election shall be held. The Council shall in due time make provision for holding such special election and the City Clerk shall prepare, at the expense of the city, suitably printed stationery for use as ballots which shall contain the words "For the ordinance (stating briefly the nature thereof)," and "Against the ordinance (stating briefly the nature thereof)." The Council shall appoint suitable and competent persons to act as Inspectors at such election and shall do all other things and acts necessary to fully carry out the purposes and intent hereof; *provided*, that no person not a taxpayer and qualified elector within the corporate limits of said city shall be qualified to vote at any such special election; *and provided further*, that no such proposed ordinance shall be adopted or be valid or effective for any purpose whatsoever, unless the same shall receive an affirmative vote of a majority of all voters voting thereon. The Council shall canvass and declare the result, and if such proposed ordinance be carried as above provided, that fact shall be proclaimed by the Council publishing a notice to that effect for the period of at least one week, and

Provisions
as to preced-
ing section.

Petitions.

Special
elections.

Notice to be
published.

Ballots, what
to contain.

Proviso.

Publication
of result.

thereupon such ordinance may be passed by the Council and signed by the Mayor and thenceforth be in full force and effect.

ELECTIONS.

SEC. 56. The first municipal election in said city shall be held on the first Tuesday after the first Monday in May, 1905, and on the same day every two years thereafter, at which time there shall be elected one Mayor by the qualified electors of said city at large, Councilmen as hereinbefore provided, and one City Clerk. All elections held under this charter shall be governed by the provisions of general election laws of the State so far as the same can be made applicable. The conduct and carrying on of all city elections, except the first, shall be under the control of the Council, and they shall, by ordinance, provide for the holding of the same, appoint the necessary officers thereof and do all other or further things necessary to carry the same into effect.

SEC. 57. The first municipal election hereunder shall be called by proclamation issued by the Board of County Commissioners of Washoe County at least thirty days prior to the date in the last preceding section first mentioned. Such proclamation shall be published in a newspaper in said city for at least three weeks prior to the date of such election, and printed copies of such proclamation shall be posted in a conspicuous place in each ward of said city. Such proclamation shall set forth the purpose of the election; the place where the same shall be held; the names of the Inspectors of Election, and such other matters as may be deemed proper in the premises. Candidates for all offices to be filled at such election shall be nominated by filing a petition with the County Clerk of said county at least ten days before the date fixed for such election, which petition shall state the name of the person nominated and the office for which he is nominated.

Nominating petitions. Such petitions respecting nominations of candidates for the offices of Mayor and City Clerk shall be signed by not less than fifty electors residing within the corporate limits of said city, and in the case of nominations of candidates for the offices of Councilmen by not less than twenty electors residing in the ward for which such nomination is to be made. The signatures to such petitions need not all be appended to one paper, but each signer shall add to his signature his place of residence. One of the signers of each such petitions shall swear that the signatures thereunto appended and the statements therein made are genuine and true, to the best of his knowledge and belief, and a certificate of such oath shall be annexed. Such certificate of nomination shall have the same effect as certificates of nominations made by party conventions in other cases. The County Clerk of said Washoe County shall cause a sufficient number of ballots to be printed, upon which shall appear the names of such candidates nominated as aforesaid and the offices sought

One signer
shall make
affidavit.

Ballots.

to be filled by them. The officers of election shall make return to the Board of County Commissioners of Washoe County, and the said Board shall, within five days thereafter, meet and canvass said vote and shall enter upon their minutes the result of such canvass, and shall cause a certificate of election to be issued to each person who shall have received the highest number of votes for the office for which he was a candidate.

SEC. 58. Every person who resides within the exterior boundaries of said city at the time of holding any city election, and whose names appear upon the official register of voters in and for Sparks election precinct as qualified voters at the last preceding general election, shall have the right to vote at each city election and for all officers to be voted for thereat; *provided*, that nothing herein shall be construed so as to deny or abridge the power of the Council to provide for a supplemental registration as in this charter elsewhere provided.

SEC. 59. The election returns from any city or special election shall be filed with the City Clerk, who shall immediately place them in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with the same until canvassed by the Mayor and Council. The Mayor and Council shall meet within five days after any city election and canvass the returns and declare the result. The election returns shall then be sealed up and kept by the City Clerk for six months, and no person shall have access thereto, except on order of a court of general jurisdiction, or by resolution of the Council. The City Clerk, under his hand and the official seal, shall issue a certificate of election, in accordance with the result as declared by the Council, to each person declared to be elected. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first regular meeting of the Council next succeeding that in which returns was made and canvassed as above provided. All officers elected under this charter shall serve for the term for which he was elected and until his successor shall have been duly elected and qualified.

SEC. 60. All acts or orders of the Board of County Commissioners of Washoe County, Nevada, heretofore made or done in granting rights of way, privileges or franchise to E. Humphrey, John N. Evans, C. E. Clough, George W. Robinson, and John A. Moynihan, their successors or assigns, for the laying of water pipes in and through the public highways, streets, or alleys of the Town of Sparks, for the purpose of conducting water for domestic and other uses, and to supply the inhabitants of said town with water, and all acts or orders of said Board heretofore made in granting rights of way, privileges, or franchise to H. E. Reid, H. J. Gosse, H. J. Darling, and S. H. Wheeler, their successors or assigns, for constructing, maintaining or operating a street railway

Returns
made to
County Com-
missioners.

Certificate
of election.

All regis-
tered city
residents
of qualified
electors.

Supple-
mental
registration.

City Clerk
custodian of
city election
returns.

To issue
certificate of
election.

Terms, when
to commence

Franchises
granted by
County Com-
missioners
confirmed.

upon and over said highways, and being within the limits of that portion of Washoe County embraced within the territory hereinbefore described as constituting the corporate limits of the City of Sparks, are hereby sanctioned, ratified, approved and confirmed.

Repeal. SEC. 61. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act are hereby repealed.

CHAP. LXXXIV.—*An Act to provide for repairs and improvements of buildings of the State Orphans' Home and for the purchase of furniture for same.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation of \$11,000.

SECTION 1. The sum of eleven thousand (\$11,000) dollars is hereby appropriated out of any moneys in the General Fund of the State, to be expended under the direction of the Directors of the State Orphans' Home, for repairs and improvements and the purchase of furniture for the buildings of the State Orphans' Home, for the articles hereinafter enumerated:

Improvements and furniture specified.

For the purchase of furniture for dining room, \$200; for the purchase of furniture for two rooms for cooks, \$125; for the purchase of furniture for office room, \$75; for the purchase of furniture for reception room, \$100; for the purchase of furniture for three parlors, \$200; for the purchase of furniture for Superintendent's room, \$200; for the purchase of furniture for two rooms for Matron, \$100; for the purchase of furniture for room for nurse, \$50; for the purchase of furniture for room of girl of dining room, \$50; for the purchase of furniture for two rooms for teachers, \$100; for the purchase of furniture for room of workman, \$50; for the purchase of furniture for room of Hospital, \$50; for the purchase of carpets and linoleum, \$500; for the purchase of three barrels boiled linseed oil, \$100; for the purchase of material for sewers, two flush tanks and labor, \$1,100; for repairing fence, \$500; for repairs and painting of frame buildings, \$1,000; for repairs of school building, \$250; for moving rubble stone and filling cattle yard, \$150; for the purchase of one 4-horse-power motor, \$500; for cleaning of well, \$100; for the completion of electrical system, \$150; for moving and placing range in place, \$250; for installation of heating plant, \$2,800; for cementing floor in basement, \$200; for the purchase of six laundry tubs and stove, \$350; for benches and lockers in children's playroom, \$100; for 40 lockers in girls' rooms, \$150; for rubber trotters for stairway, \$100; for 24 iron bedsteads with wire mattresses, \$150; for purchase of 36 Ostermoor mattresses, \$300; for purchase of 6 cribs with Ostermoor

mattresses, \$100; for the purchase of matting, \$125; for the purchase of window shades, \$75; for the purchase of lace curtains, \$100; for the purchase of blankets, \$500; for the purchase of comforters, \$50. Total \$11,000.

SEC. 2. The State Controller is hereby directed to draw his warrants for the different amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

Duties of
Controller
and
Treasurer.

CHAP. LXXXV.—*An Act to amend an Act entitled "An Act relating to county government and the reduction of the rate of county taxation."*

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. In all counties whose tax rate for county purposes for the year 1904, exclusive of the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of such counties, did not exceed one dollar and fifty cents on each one hundred dollars of assessed valuation, the tax rate for such county purposes for the year 1905 shall be two and one-half cents lower on each one hundred dollars of assessed valuation than the tax rate for such county purposes was in 1904; and thereafter such tax rate shall be diminished annually at the rate of not less than two and one-half cents on the one hundred dollars of assessed valuation until it reaches fifty cents on the one hundred dollars of assessed valuation; and thereafter the permanent limitation of taxation for such county purposes, exclusive of the tax to pay the interest and maintain the sinking funds aforesaid, shall be fifty cents on the one hundred dollars of assessed valuation.

County tax
rate for 1905
and 1906.

To be
diminished.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. In all counties whose tax rate for county purposes for the year 1904, exclusive of the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of such counties, exceeded one dollar and fifty cents on the one hundred dollars of assessed valuation, the tax rate for such county purposes for the year 1905 shall be five cents lower on each one hundred dollars of assessed valuation than the tax rate was for such county purposes in 1904; and thereafter such tax rate shall be diminished annually at the rate of not less than five cents on each one hundred dollars of assessed valuation until it reaches one dollar and fifty cents on the one hundred dollars of assessed valuation; and thereafter shall be reduced annually at the rate of two and one-

Other county
tax rates,
how deter-
mined.

Further
diminution.

half cents on the one hundred dollars of assessed valuation until it reaches fifty cents on the one hundred dollars of assessed valuation; and thereafter the permanent limitation of taxation for such county purposes, exclusive of the tax to pay the interest and maintain the sinking funds aforesaid, shall be fifty cents on the one hundred dollars of assessed valuation.

CHAP. LXXXVI.—*An Act repealing section eleven and amending section twelve of an Act entitled "An Act relating to county government and the reduction of the rate of county taxation," approved March 13, 1903.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of an Act entitled "An Act relating to county government and the reduction of the rate of county taxation," approved March 13, 1903, is hereby repealed.

SEC. 2. Section twelve of said Act is hereby amended to read as follows:

Section 12. Nothing in this Act shall apply to any county that has a debt exceeding two hundred thousand dollars.

Effect. SEC. 3. This Act shall take effect immediately upon its approval.

CHAP. LXXXVII.—*An Act providing for public school libraries, and other matters relating thereto.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act, it shall be the duty of the County Superintendent of Schools of each county of this State, in July of each year, before apportioning the public school moneys among the several school districts under the provisions of section one of that certain Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March 9, 1887, to set apart out of the moneys received from the General School Fund, under the provisions of section six of that certain Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March 20, 1865, and the Acts amendatory thereof, a sum of not less than three dollars nor more than five dollars for each teacher to which the county is entitled, this number to be determined by adding together the number of teachers assigned to the

School
moneys to
be expended
for libraries.

Ratio of
apportion-
ment.

several districts upon the basis of one teacher to each seventy-five census children or fraction thereof, and the further sum of not less than five cents nor more than ten cents for each census child in the county as shown by the last school census, the sums thus set apart to constitute for each county a fund to be known as the County Public School Library Fund.

SEC. 2. It shall be the further duty of the County Superintendent of Schools to apportion the moneys of the County Public School Library Fund among the several school districts as follows: He shall assign to each district not less than three dollars nor more than five dollars for each teacher to which such district is entitled, calculating one teacher for each seventy-five census children or fraction thereof, and the further sum of not less than five cents nor more than ten cents for each census child as shown by the last school census, and the sums thus apportioned shall constitute for each district a District School Library Fund.

SEC. 3. The amount of money to be set apart and apportioned, within the limits provided in section one of this Act, shall be determined by the State Board of Education, which Board shall, before the July apportionment of each year, notify the County Superintendents of Schools of the several counties of the amount fixed by said Board to be set apart for said County Public School Library Fund.

SEC. 4. The moneys herein designated and apportioned, shall be expended for the purchase of books, approved by the State Board of Education, for the public school library of each district and for no other purpose, and shall be paid out and expended as the other school funds of such districts are now paid out.

SEC. 5. The Board of School Trustees of each school district in this State is hereby authorized and directed to purchase books for public school libraries in accordance with the provisions of this Act.

SEC. 6. If there shall remain unexpended in the District School Library Fund of any district on the thirtieth day of June of any year a sum of money equal to or greater than one-fourth of the entire sum apportioned to the said District School Library Fund at the last preceding July apportionment, it shall be the duty of the County Superintendent of Schools to transfer such sum to the County Public School Library Fund, and, at the next apportionment of the County Public School Library Fund among the several districts, to apportion the sums thus transferred pro rata according to the number of census children. The sums thus transferred and apportioned shall be in addition to the sums specified in section two of this Act.

SEC. 7. The State Board of Education is hereby authorized and directed to make such rules and regulations for the purchase of books herein provided for, and for the preserva-

Duties of
County
Superin-
tendent.

Amount
determined
by State
Board.

Money to be
spent for no
other
purpose.

School
Trustees
authorized.

Residue, how
disposed of.

State Board
to make
rules.

tion and use thereof, as may be proper, provided such rules and regulations do not in anywise conflict with the laws of this State.

CHAP. LXXXVIII.—*An Act to amend Section 2 of an Act entitled "An Act relating to the State University, and matters properly connected therewith," approved February 7, 1887.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above-entitled Act is hereby amended so as to read as follows:

Section 2. From and after the first day of January, A. D. 1907, the Board of Regents of the State University shall consist of five members; those who are elected for the term of four years to be known as "Long-Term Regents" and those who are elected for the term of two years to be known as "Short-Term Regents," and to hold their offices for the several periods for which they are elected, and until their successors are elected and qualified. At the general election held in 1906 there shall be elected two Long-Term Regents, who shall hold their office for the term of four years, and two Short-Term Regents who shall hold their office for the period of two years. Thereafter, at each general election, there shall be elected two Regents for the long term and one Regent for the short term in the same manner as other State officers are elected. The persons elected as Regents under the provisions of this Act, before entering upon the discharge of their office, shall take and subscribe to the official oath and file the same in the office of the Secretary of State. In case of vacancy in said Board of Regents, the Governor shall fill the same by appointment until the next general election, when such vacancy shall be filled by election. The term of office of each Regent shall begin on the first Monday of January after his election.

Five Regents authorized.
Long and short term.
Two elected at every general election.

CHAP. LXXXIX.—*An Act to amend section two, section three as amended February 17, 1871, and section five as amended March 7, 1873, of an Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March 15, 1869.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. The County Commissioners of the several

counties shall provide for the Registry Agents, in their respective counties, when and where required, all proper and necessary books and stationery to carry out the provisions of this Act. They shall furnish to each Registry Agent a book which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to wit:

- First—Number on the register.
- Second—Date of registry.
- Third—Name of elector.
- Fourth—Age of elector.
- Fifth—Where born.
- Sixth—Last place of residence before coming to Nevada.
- Seventh—First place of residence in Nevada.
- Eighth—Present number of ward, or name of electoral district.
- Ninth—Description of residence.
- Tenth—Certificate of naturalization exhibited.

SEC. 2. Section three of said Act as amended February 17, 1871, is hereby amended so as to read as follows:

Section 3. It shall be the duty of the Registry Agents, at any time when called on to do so, between the hours of ten a. m. and six p. m. on all legal days, from and after the first day of June, and prior to the tenth day of September, prior to any general election, and for twenty days prior to closing the register (which shall close ten days prior to the day of election), for any special or municipal election provided for by law, to receive and register the names of all persons legally qualified and entitled to vote at such election, or who will have legally acquired a residence (being otherwise qualified), and right to vote at such ensuing election according to the provisions of law under which such election may be held, in each election district within their respective townships; entering on the official register under the proper heading, the number and date of registry, the name (with the first or given name in full, if practicable); the age and nativity of the elector, last place of residence of elector before coming to Nevada, first place of residence of elector in Nevada, together with the number of the ward or name of precinct, and a particular description of the house, building, or room in which the elector resides; such as will enable the officer or person desiring to serve notice of objection to vote to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of or failure to exhibit his certificate of naturalization shall be noted in the column provided for that purpose, which list, properly entered as in this section required, shall be known as the "Official Register" of elections of their respective townships; *provided*, that for ten days next preceding the day set for closing the registry before any election mentioned in this Act, said Registry Agents shall also be in attendance at their respective offices,

What regis-
ter must
show.

Office hours
of Registry
Agents.

Duties of
Registry
Agent.

Naturaliza-
tion cer-
tificates.

Provisos.

and ready to register the names of applicants, at any time between the hours of seven and nine o'clock p. m., in addition to the hours heretofore required in this section; *and provided further*, that if any person shall fail or refuse to give his residence and the other information, with the particularity required in this section, he shall not be registered.

SEC. 3. Section five of said Act as amended March 7, 1873, is hereby amended so as to read as follows:

Section 5. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe the following oath or affirmation, which shall be administered by the registering agent; *provided*, that no elector who has taken said oath at the time of his previous registration shall be required to do so the second time in the same precinct, to wit:

Form of oath "I do solemnly swear (or affirm) that I am a citizen of the United States, that I am of the age of twenty-one years, and will have actually and not constructively resided in this State six months, and in the county thirty days next preceding the day of the next ensuing election (or, in case of a municipal election, such length of time as may be required by the Act of incorporation), that before coming to the State of Nevada I last resided at....., in the State of..... (designating such place of residence), that upon first coming to the State of Nevada I resided at....., in said State (designating such place of residence), and that I am not registered elsewhere in this State. So help me God (or under the pains and penalties of perjury)."

To swear according to religion. Whenever an oath is required by the provisions of this Act, the elector shall swear according to the form of his religious faith or belief and in such manner as may be considered most obligatory on his conscience.

CHAP. XC.—*An Act giving authority to the Boards of County Commissioners of the several counties of this State to extend the close season for fishing in streams and waters of a certain class, and providing for the enforcement of the same.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

To protect certain stocked waters.

SECTION 1. The Boards of County Commissioners of the several counties of this State, each within its own county, are hereby authorized to extend the closed season for fishing in streams and waters within their county which now are, or hereafter shall have been, stocked with food fishes by others than the State or its Fish Commissioner, or authorized agent, to such periods as may in their opinion be required for the

protection of the fish in said stream and waters, to the end that the supply of fish for food may be permanently increased.

SEC. 2. This Act shall be made effective by an order of the Board of County Commissioners published in a newspaper within the county, which order shall name the stream or streams and waters within the county in which the catching of fish is to be restricted, and shall state the period over which the close season is to extend; *provided*, that no such order shall be effective without such publication for the period of at least one month before the date upon which the order is to take effect; *and further provided*, that no such publication shall be made at an expense to the county of more than three dollars.

SEC. 3. Any person who shall violate the provisions of said order of the Board of County Commissioners shall be guilty of a misdemeanor, and shall be fined not to exceed thirty (\$30) dollars, or imprisoned in the county jail not to exceed fifteen (15) days, or by both such fine and imprisonment in the discretion of the Court, for each offense.

CHAP. XCI.—An Act to amend Section 3 of an Act entitled "An Act providing for the cooperation of the State of Nevada with the Secretary of the Interior of the United States in the construction and administration of irrigation works for the reclamation of arid lands in the State of Nevada, for the measurement, appropriation and distribution of water, determination of water rights, preserving and certifying records thereof, creating officers for the enforcement hereof, defining the tenure of office, powers and duties and fixing their compensation; providing for penalties for infringements hereof, and enacting a standard measure of water, and conferring upon the Secretary of the Interior such rights and powers under the laws of Nevada as are necessary to enable him to carry out and execute an Act of the Congress of the United States, approved June 17, 1902, entitled 'An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved February 16, 1903."

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. The office of State Engineer is hereby created. *State Engineer.* He shall be appointed by the Governor and shall receive a salary not exceeding twenty-four (\$2,400) dollars per annum, *Salary.* payable in equal monthly installments by the State Treasurer,

Qualifications. upon warrants drawn by the State Controller. He shall keep his office at the State Capitol. No person shall be appointed as such State Engineer who does not have such training in hydraulic engineering and such practical skill and experience as shall fit him for the position. He shall hold the office at the pleasure of the Governor, but his successor shall, in all cases, have the foregoing qualifications.

At pleasure of Governor.

Effect. SEC. 2. This Act shall be in full force and effect immediately after its approval.

CHAP. XCII.—An Act to create Judicial Districts in the State of Nevada, provide for the election of District Judges therein and to fix their residences and the salary, and to repeal all other Acts in relation thereto.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Judicial Districts remodeled.

SECTION 1. The State of Nevada is hereby divided into four Judicial Districts; the Counties of Storey, Douglas, Ormsby, Lyon, and Esmeralda shall constitute the First Judicial District; the Counties of Washoe, Churchill, and Humboldt shall constitute the Second Judicial District; the Counties of Eureka, Lander, and Nye shall constitute the Third Judicial District; the Counties of Elko, Lincoln, and White Pine shall constitute the Fourth Judicial District. For each of said districts Judges shall be elected by the qualified electors thereof at the general election in the year 1906, and every four years thereafter, as follows: For each of said districts except the Second Judicial District, there shall be elected one Judge. For the Second Judicial District there shall be two Judges elected.

Two Judges for Second District.

To take effect in 1907.

Exception.

SEC. 2. Until the first Monday in January, one thousand nine hundred and seven, the Judicial Districts of this State shall be and remain as heretofore provided by law, unless there shall occur vacancies in the offices now held by the present incumbents, by deaths, resignation or otherwise, provided that in case of such vacancies, the provisions of this Act shall take immediate effect when practicable.

Salaries of Judges.

SEC. 3. The salary of each Judge hereafter elected, or appointed to fill vacancies, shall be four thousand dollars per annum, except the Judge of the Fourth Judicial District, whose salary shall be four thousand five hundred dollars per annum, all of said salaries to be paid in equal monthly installments, out of the District Judges' Salary Fund, hereby created in the State Treasury, which fund shall be supplied in the manner following, to wit:

Each county in each district in the State shall contribute annually to the said fund its proportionate share of the

money necessary to pay the Judge or Judges of its district ^{How raised and paid.} their respective salaries monthly for such year, based upon the assessment roll of each county for the previous year; and it is hereby made the duty of the County Commissioners of each county to make such arrangements and orders as may be necessary to insure the forwarding of their counties' quota of said District Judges' Salary Fund, to the State Treasurer, at such times and in such installments as will enable the State Treasurer to pay each District Judge one-twelfth of his annual salary on the first Monday of each and every month, and to cause such money to be forwarded by the County Treasurers, and if necessary, in order to render certain the forwarding of such money in ample time to prevent any default in said monthly installments, said Board of County Commissioners shall transfer and use any moneys in the county treasuries, except those belonging to the Public School Fund. No salary of any District Judge shall be paid ^{No salary in advance.}

SEC. 4. The Second Judicial District shall be entitled to, ^{Relating to Second District.} and shall have two District Judges, one of which shall reside at the county seat of Washoe County, and one of which shall reside at the county seat of Humboldt County; they shall have concurrent and coextensive jurisdiction within said district, under such rules and regulations as may be prescribed by law, and they shall have power to make such rules and regulations as will enable them to transact judicial business of said district in a convenient and lawful manner; *provided*, that they shall hold a term of court at the county seat of ^{Churchill County.} Churchill County once every two months.

SEC. 5. All Acts and parts of Acts in conflict with the *Repeal.* provisions of this Act are hereby repealed.

CHAP. XCIII.—*An Act to amend Section 5 of an Act approved March 22, 1865, entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto."* (*Compiled Laws of Nevada, Sec. 975.*)

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5 of said Act is hereby amended so as to read as follows:

Section 5. There shall be, after the first election of Directors, as prescribed by the first section of this Act, ^{Amending Act providing for incorporation of railroad companies.} annual meetings of the stockholders held in one of the counties in which or through which such road is proposed to be or may be constructed, for the election of Directors, to serve for the ensuing year, notice of which, appointing a time

Notice of
meeting to
be published.

Restriction
as to voting
stock.

One Director
must be
resident of
Nevada.

Time of
bonded loan
extended.

and place, shall be given for the first annual election and every subsequent election thereafter, as prescribed by the by-laws of the company, or by a resolution of the Board of Directors, which notice shall be published not less than twenty days previous thereto in a newspaper published in each county through or into which such road shall pass or be intended to run (if there be stockholders residing therein), in which a newspaper shall be published; and if no newspaper is published therein, then by six written or printed notices put up in the most public places in said county. Directors shall be elected from time to time as a majority of the whole stock shall determine, or as the by-laws shall designate, as may be determined in the formation of articles of association, in pursuance of the provisions of the first and second sections of this Act; shall be chosen at such meetings of stockholders by ballot and by a majority of the votes of the stockholders being present in person or by written proxy; and every such stockholder being so present, either in person or by proxy, at any election for Directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding such election; but no stockholder shall vote at any such election upon any stock, except such as he shall have owned for ten days. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he may be chosen. The Directors shall hold their office for one year, and until others are elected in their places. At least one Director shall, at the time of his election, be a resident of this State.

CHAP. XCIV.—*An Act supplemental to an Act entitled "An Act authorizing a State loan," approved March 6, 1893, as amended and approved March 16, 1895.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The period of the loan and the time of the payment of any and all bonds that have been issued under and by authority of an Act entitled "An Act authorizing a State loan," approved March 6, 1893, as amended and approved March 16, 1895, are hereby extended for ten years upon the same terms, interest and conditions as the original loan.

CHAP. XCV.—An Act to provide for the measurement of water used on irrigated areas, the determination of the losses from irrigating ditches and the remedies therefor, and the study of the best methods of distributing and using water in growing crops in the State of Nevada, in coöperation with the United States Department of Agriculture and the Nevada Experiment Station.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the measurement of water used on irrigated areas, the determination of the losses from irrigating ditches and the remedies therefor, and the study of the best methods of distributing and using water in growing crops in the State of Nevada during the years 1905 and 1906, the sum of two thousand dollars is hereby appropriated out of the General Fund of the State. This sum shall be credited to the investigations carried on by the representative or agent of the United States Department of Agriculture in charge of irrigation investigations in association with the Nevada Agricultural Experiment Station; said money or any part thereof, to be available when the officer in charge of such investigation on behalf of the Federal Government shall have certified to the Governor of Nevada that an equal or greater sum will be allotted for investigation in the State of Nevada out of any appropriation made by the Congress of the United States for such work.

Appropriation of \$2,000.

Coöperation with National Government.

SEC. 2. The State Board of Irrigation shall direct the expenditure of money appropriated by section one of this Act, upon plans approved by said Board which the representative of the United States Department of Agriculture in charge of irrigation investigations shall supply.

Irrigation Board shall direct expenditure.

SEC. 3. The measurements and investigations contemplated by this Act shall be made by the agents of the United States Department of Agriculture, and the expenses thereof shall be allowed and paid out of the money appropriated for that purpose upon vouchers signed by the agent of the Department of Agriculture in charge of said work and certified by the Chairman and Secretary of the Board of Irrigation, in the same manner as other bills against the State are allowed and paid.

Money, how paid.

SEC. 4. After the reports of the results of any investigations made under the provisions of this Act have been published by the United States Department of Agriculture, the State Printing Office shall publish such additional copies of these reports, for distribution to the citizens of the State of Nevada, as the State Board of Irrigation shall direct.

Reports to be published.

SEC. 5. The results of the investigations shall be reported.

Results reported.

to the State Board of Irrigation from time to time, as said State Board shall direct.

CHAP. XCVI.—*An Act in relation to the collection of the War Claims of the State of Nevada against the Government of the United States.*

[Approved March 17, 1905.]

Regarding
Nevada War
Claims.

Inasmuch as an agreement has been entered into by the State Board of Examiners of the State of Nevada with John Mullin and Jackson H. Ralston of Washington City, D. C., as attorneys to represent the State of Nevada, before the Court of Claims at Washington in the matter of the War Claims of the State of Nevada against the Government of the United States, upon conditions namely: That after the above-mentioned service has been faithfully performed by said attorneys, the amount of compensation therefor shall be determined and fixed by the Legislature, thereafter to be convened, now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Attorneys
allowed 10
per cent of
collections.

SECTION 1. In the ratifications of the foregoing conditions it is further agreed that the attorneys aforesaid shall be allowed by the State of Nevada the sum of ten per centum on all collections made and paid into the State Treasury of the State of Nevada; *provided*, that said attorneys shall have no power or authority to compromise or commute in any manner the amount of the claims of the State of Nevada, but upon any awards made by the Court of Claims to the State of Nevada, the aforesaid attorneys shall be entitled to the commissions named in this Act.

CHAP. XCVII.—*An Act for the relief of Frank Golden.*

[Approved March 17, 1905.]

Preamble.

WHEREAS, In the year nineteen hundred and four W. S. Beard, then Assessor of Washoe County, Nevada, settled in full for all poll tax received from the State Controller for Washoe County for that year; and

Lost poll
taxes.

WHEREAS, During the said year 1904 one poll-tax book issued by the State Controller and charged to the said W. S. Beard, containing twenty-five blank receipts numbered consecutively from 13,876 to 13,900, inclusive, which said receipts were delivered by the said W. S. Beard, Assessor, to Frank Golden during said year 1904, and which receipts were lost, or for the time being misplaced, and no value or compensation was received for them by said Frank Golden, same being of the value of seventy-five dollars; and

WHEREAS, Subsequent to the settlement by said Frank

Golden with said W. S. Beard, Assessor, for said receipts, same were found, with the exception of two receipts missing therefrom at three dollars each; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty-four dollars and fifty cents is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the proportion received by the State for said poll-tax receipts. The State Controller is hereby authorized and required to draw his warrant in favor of the said Frank Golden for the said sum of thirty-four dollars and fifty cents and the State Treasurer is hereby authorized and required to pay the same.

SEC. 2. The Board of County Commissioners of Washoe County, Nevada, are hereby directed and required to allow the claim of Frank Golden in the sum of thirty-four dollars and fifty cents, the proportion received by said county as its allowance for said poll-tax receipts, and the Auditor of said county, on the allowance of said claim, is hereby directed and required to draw his warrant against the General Fund of said county for said amount and the County Treasurer of Washoe County is hereby directed and required to pay the same.

Appropriation of \$34.50
for Frank Golden.

Washoe
County Com-
missioners to
appropriate
like sum.

CHAP. XCVIII.—*An Act to amend section one of an Act entitled "An Act for the greater security of life, by providing for the use of safety cages and iron bonnets in vertical shafts where iron mining cages are used, of more than three hundred and fifty feet in depth," approved February 28, 1879.*

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the Act of which this Act is amendatory is hereby amended so as to read as follows:

Protection of
lives of
miners.

Section 1. It shall be unlawful for any person or persons, company or companies, corporation or corporations, after the first day of July, A. D. nineteen hundred and five, to sink or work through any vertical shaft, at a greater depth than three hundred and fifty feet, unless the said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees of such person or persons, company or companies, corporation or corporations. The safety apparatus shall be securely fastened to the cage and shall be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. In any shaft less than three hundred and fifty feet deep where no safety cage is used and where crosshead or crossheads are used, platforms

Shafts less
than 350 feet
deep.

Date of effect.

for employees, to ride upon in lowering and hoisting said employees shall be placed above said crosshead or crossheads; the provisions of this Act requiring the placing of said platforms on said crosshead or crossheads not later than the first day of July, A. D. nineteen hundred and five.

Misde-monor.

SEC. 2. Any person or persons, company or companies, corporation or corporations or the managing agent of any person or persons, company or companies, corporation or corporations, violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of five hundred dollars, or imprisoned in the county jail for the term of six months, or by both such fine and imprisonment.

Penalty.

CHAP. XCIX.—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875, approved March 2, 1877, approved March 5, 1879, approved March 6, 1889, approved March 8, 1895.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Trustees to appoint Marshal of Carson City.

SECTION 1. Section 10, part fifteenth, of the above-entitled Act is hereby amended so as to read as follows:

Section 10. Fifteenth—To appoint a City Marshal as the Board of Trustees shall from time to time determine, said Marshal to be under the direction and control of the said Board of Trustees, and the said Board of Trustees shall have power to remove the Marshal from office at pleasure, upon good cause shown, and upon a charge being preferred, to suspend until the same shall have been passed upon finally.

Repeal.

SEC. 2. Section fourteen of the Act of which this Act is amendatory is hereby repealed.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

In effect 1907.

SEC. 4. This Act shall take effect January 1, 1907.

CHAP. C.—An Act to authorize the Trustees of Caliente School District No. 16, to issue bonds for the purpose of creating a fund for the erection of public school buildings in the Town of Caliente, Lincoln County, Nevada.

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of providing funds for the purchase of a suitable lot of land conveniently located, and

for the erection of a school-house, with necessary out-houses and appurtenances thereon, in the Town of Caliente, County of Lincoln, the Board of School Trustees of Caliente School District No. 16, County of Lincoln, are hereby authorized and required to issue bonds in the name of said School District, in a sum not exceeding five thousand dollars, gold coin of the United States, and to pledge the good faith and credit of said School District for the payment of both principal and interest of the same. Such bonds shall be known as "Caliente School House Bonds." The said School Trustees shall cause the bonds to be prepared and ready for use on the tenth day of May, nineteen hundred and five; said bonds shall be of the denominations of not less than one hundred dollars each, and shall each purport and state upon the face thereof that Caliente School District No. 16, in Lincoln County, State of Nevada, is indebted to the holder, in gold coin of the United States, in the sum therein stated, with interest at a rate not exceeding seven per centum per annum, from and after the date of issuance, interest payable annually on the tenth day of May, nineteen hundred and six, and each year thereafter, said interest to be paid at the office of the County Treasurer of said county. None of said bonds shall run for a longer period than seven years.

SEC. 2. When the bonds herein provided for are so prepared and ready for issuance, the said Board of School Trustees shall cause the same to be sold at a price not less than their par value, and the proceeds arising from the sale thereof shall be paid into the Treasury of Lincoln County. The County Treasurer is hereby required to receive and safely keep the same in a fund to be known as "Caliente District School Building Fund," and to be paid out only for the purposes herein stated, on claims therefor, duly verified, which shall be allowed and ordered paid by the said Board of School Trustees, certified to, and further allowed and ordered paid by the Board of County Commissioners of said county, and duly audited by the County Auditor and upon his warrants drawn therefor upon said fund.

SEC. 3. Said Board of School Trustees shall keep a register of all bonds issued under the provisions of this Act, and shall note therein the number, date, amount and maturity of each. The Auditor and Treasurer of said county shall each keep a similar register. All of said bonds shall be signed by the Chairman and Clerk of said Trustees and countersigned by the Treasurer and Auditor of said county, with the seal of the said Auditor impressed thereon; and shall have attached thereto coupons for the payment of each installment of interest, which shall be numbered and shall respectively express the amount of interest due and when payable, and shall be signed and stated in the same manner and by the same officers as herein provided for the signing and sealing of said bonds.

Caliente
School
House bonds
in sum of
\$5,000.

Interest not
over 7 per
cent.

Not to run
more than 7
years.

Caliente
District
School
Building
Fund.

Register of
bonds to be
kept.

Payment of principal.

SEC. 4. One-half of the principal of such bonds which may be issued under authority of this Act, shall be due and payable on the tenth day of May, nineteen hundred and nine, and the other half shall be due and payable on the tenth day of May, nineteen hundred and twelve, and the whole thereof shall be paid at the office of the County Treasurer of said county.

Payment of annual interest.

SEC. 5. For the purpose of providing for the payment of the annual interest upon the bonds issued under this Act, there shall be levied upon and collected from all of the property of said School District, including the net proceeds of mines, for the year nineteen hundred and five and each year thereafter until and including the year nineteen hundred and eleven, such special tax as in the judgment of the Board of County Commissioners of said county will produce a sufficient amount of money necessary to pay the interest on said bonds, as herein provided; and the money collected and received from such tax shall be paid into the county treasury, and kept by the Treasurer, in a fund to be known as "Caliente School District Interest Fund," and the moneys in said fund, or as much thereof as may be necessary, shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due upon presentation and surrender, by the holder of the bonds and coupons therefor; the surplus, if there be any, shall annually be placed in a fund for the redemption and payment of the principal sum of said bonds when due which shall be known as "Caliente Public School Bond Fund."

Caliente School District Interest Fund.

Coupons canceled.

SEC. 6. When interest shall be paid upon said bonds, the coupon or coupons representing the same, as hereinbefore provided, shall be separated from the bond or bonds, delivered to and canceled by the County Treasurer, who shall thereby return the same and make a note thereof on the register of bonds kept by him in his office.

Providing for payment of one-half of principal.

Special tax.

SEC. 7. To provide for the payment of one-half of the principal of said bonds to become due on the tenth day of May, nineteen hundred and nine, a special tax, in addition to the said special tax to pay interest on said bonds, for the year nineteen hundred and five and each year thereafter to and including the year nineteen hundred and nine, there shall be levied upon and collected from all the property in said School District including the net proceeds of mines, a special tax sufficient to produce the amount of money necessary to pay the said one-half of the principal of said bonds to become due on said tenth day of May, nineteen hundred and nine. The money collected and received from such tax shall be paid into the county treasury and placed in said Caliente Public School Bond Fund, and shall be applied to the payment of said one-half of the principal of said bonds to become due on the tenth day of May, nineteen hundred and nine, and said bonds shall be paid when due upon surrender, by

the holders thereof, to the County Treasurer, who shall cancel ^{Treasurer to}
the same by writing across the face thereof the word "Paid" ^{cancel.}
and the date of payment, together with his signature.

SEC. 8. For the year nineteen hundred and nine and each <sup>For payment
of remainder
of bonds.</sup> year thereafter to and including the year nineteen hundred and eleven, there shall be levied and collected from all of the property in said School District, including the net proceeds of mines therein (in addition to the special tax to pay interest on said bonds), a special tax sufficient to produce an amount of money necessary to pay the remaining one-half of the principal of said bonds to become due on the tenth day of May, nineteen hundred and twelve, and the money arising therefrom, shall be paid into the county treasury, and placed in said Caliente Public School Bond Fund, and applied to the payment of said remaining one-half of the principal of said bonds, and when paid said bonds shall be surrendered and canceled as hereinbefore provided.

SEC. 9. Whenever any coupons or bonds shall be paid and <sup>Treasurer to
preserve.</sup> canceled as herein provided, the Treasurer shall safely keep them until delivered by him to the Auditor as legally required. <sup>Taxes, how
collected.</sup>

SEC. 10. All taxes required by this Act to be levied, assessed, collected and paid into the county treasury of said Lincoln County shall be levied, assessed, collected and paid into said treasury at the same time, and in the same manner and by the same officers as State and county taxes are levied, assessed, collected and paid into said county treasury, and no additional allowance, fees or compensation whatever shall be paid to any officer for carrying out the provisions of this Act.

CHAP. CI.—*An Act authorizing and requiring the Boards of County Commissioners of the several counties of Nevada to prohibit, under certain conditions, the storage of explosive or combustible materials within a certain distance of the limits of any town or incorporated city in this State.*

[Approved March 17, 1905.]

WHEREAS, Subdivision seventh of section one of an Act ^{Preamble.} entitled "An Act providing for the government of towns and cities of this State," approved February 26, 1881, provides that the Boards of County Commissioners of this State shall have power "to regulate the storage of gunpowder and other explosive or combustible materials within said town or city"; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever there shall be filed with the Board <sup>Petition, 10
per cent of
taxpayers.</sup> of County Commissioners of any county in this State a petition signed by ten per cent of the residents of any town or

County Commissioners to prohibit.

Provisos.

Exceptions as to rifle powder and kerosene.

Misdemeanor of County Commissioners.

Penalty.

On conviction to lose office.

Order to be published.

incorporated city within said county, said ten per cent to be computed from the number of persons paying taxes in said town or incorporated city according to the last preceding assessment roll, praying that the storage of gunpowder, or explosive or combustible materials be prohibited within the limits of such town or city, said Board shall, at the meeting of such Board when such petition is filed, make and enter on the minutes of its proceedings an order prohibiting the storage of explosive or combustible materials within such distance of said town or city as said Board may deem safe and proper; *provided*, that the distance named in said order for such storage shall not be less than one-fourth mile from the limits of such town or city; *provided further*, that nothing in this Act contained shall be so construed as to prohibit or prevent the storage by any person, firm or corporation within the limit prescribed by the order of any Board, of not more than one hundred pounds of black and smokeless gun or rifle powder, and not more than five hundred gallons of kerosene oil, nor to prohibit or prevent the keeping within such limits of shotgun or rifle shells and cartridges and cartridge percussion caps by any business firm or individual, nor to prohibit or prevent the storing of powder under ground in mines.

SEC. 2. Any Board of County Commissioners, or any member thereof, failing, neglecting or refusing to comply with all of the provisions of section one of this Act, shall be deemed guilty of a misdemeanor and proceedings shall at once be instituted by the District Attorney of the county, or may be instituted by any citizen of the county, against such Board, or against any member thereof, and upon conviction in any court of competent jurisdiction, the members or any member of such Board shall be fined in a sum not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or imprisoned in the county jail not less than thirty (30) days nor more than six months, or may be punished by both such fine and imprisonment in the discretion of the Court. Such conviction shall *ipso facto* remove such Board, or any member thereof so convicted, from office, notice of the vacancy thereby created to be certified by the District Attorney of the county to the Governor of the State, and the Governor, within twenty days from the receipt of such notice, to make appointments to fill such vacancy as may be created.

SEC. 3. The order mentioned in section one of this Act to be made by said Board may be published by the Clerk of said Board for two weeks successively in some newspaper published and printed in the town to which said order applies, or, a copy of such notice shall be conspicuously posted in three public places in said town or city, which said publication or posting shall constitute due notice to all concerned, and any person, firm, company or corporation continuing to store any explosive or combustible materials within the limit prescribed

by such order and notice, after two weeks subsequent to the giving of such notice or after three weeks subsequent to the making of such order, shall be deemed guilty of a misde-meanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or imprisoned in the county jail for a term not less than thirty days nor more than six months, or may be punished by both such fine and imprisonment in the discretion of the Court.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Misde-meanor.

Penalty.

CHAP. CII.—An Act to provide for the erection of additional cells at the Nevada State Prison.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the erection of additional cells at the Nevada State Prison.

SEC. 2. The State Controller is hereby authorized to draw his warrant in favor of the Board of the State Prison Commissioners of the Nevada State Prison for the sum named in section one of this Act, and the State Treasurer is hereby directed to pay the same.

Appropria-tion of \$10,000

Duties of
Controller
and Treas-
urer.

CHAP. CIII.—An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada,' approved March 12, 1885, as amended February 1, 1887, as amended February 9, 1887, as amended March 3, 1887, as amended March 5, 1887, as amended March 5, 1887, as amended March 11, 1889, as amended March 11, 1889, as amended March 21, 1891, as amended February 28, 1893, as amended March 10, 1897, as amended March 18, 1899," approved March 13, 1903.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Any applicant for lands in the State of Nevada, who is now a contestant or party to any suit in the Courts of Concerning lands in litigation.

this State involving the right to purchase the lands so applied for, and who fails to prosecute with due diligence the suit or suits so instituted, within one year after the approval of this Act, shall be deemed as having abandoned his or her right in said land or lands, and the opposing or adverse applicant or claimant shall be entitled to complete and purchase and receive a patent or patents therefor. Where neither party to the suit or contest prosecutes the suit with due diligence within the time required by the provisions of this Act, the suit shall be dismissed by the Court before which such suit is pending, upon the request of any citizen of the State, and upon the payment to the Clerk of said Court by the party making such request, of all court costs, it shall be the duty of the Clerk of the Court to immediately notify the State Land Register of the dismissal of such suit, and upon the receipt of such notification, the State Land Register shall declare the land and money paid therefor forfeited to the State, and the land shall be open to entry.

Due diligence must be used.

Clerk of Court to notify Land Register.

Land and money forfeited, when.

SEC. 2. Where the contest papers certified from the State Land Office have not been filed, then the certificate of the Clerk that no suit is pending before said court affecting said contest or contests, shall operate and have the same force and effect as the certificate of dismissal in cases where suits are pending and the contest papers have been filed, and upon receipt of such certificate of no suit pending the State Land Register shall declare the land and money paid therefor forfeited to the State, and the land shall be open to entry.

CHAP. CIV.—*An Act to authorize and empower the State Board of Military Auditors to purchase a suitable building for the storing of arms, equipments, military stores and all other property belonging to the State.*

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Military Auditors to purchase building.

Appropriation of \$8,000.

SECTION 1. Whenever in the judgment of the State Board of Military Auditors, it becomes necessary for the storing of arms, equipments, military stores and all other property belonging to the State, the said Board of Military Auditors are hereby authorized and empowered to obtain by purchase the pavilion formerly owned by Agricultural District Number One, or any other suitable building, situated in Carson City.

SEC. 2. The sum of eight thousand dollars is hereby appropriated out of any moneys in the General Fund of the State to carry out the provisions of this Act, and the State

Controller is hereby directed to draw his warrant for said amount and the State Treasurer is hereby directed to pay the same.

CHAP. CV.—An Act to provide for abating nuisances in unincorporated towns in the State of Nevada.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purposes of this Act, nuisances in any unincorporated town in this State shall be deemed to consist of permitting filth heaps, garbages, unprotected sewage or drainage pipes or boxes, cesspools, obstructions to the safe and convenient passage of vehicles and pedestrians through and over the public highways, streets and alleys and other such nuisances as may be named by the State Board of Health, or County Board of Health, to remain unabated after due notice to abate or remove same as required by the provisions of this Act.

SEC. 2. Upon the complaint of any resident in any unincorporated town in this State to the Sheriff or Constable in which the unincorporated town is situated that a nuisance exists in said unincorporated town, or from the personal observation and knowledge of the Sheriff or Constable that a nuisance exists in any unincorporated town of the nature mentioned in section one of this Act, the said Sheriff or Constable shall notify the property owner or occupants of the premises causing or permitting the nuisance to exist that unless said nuisance is abated or removed within ten days after service of notice, the said Sheriff or Constable will abate or remove, or cause to be abated or removed, at the expense of the owner of the property, the nuisance complained of or found to exist. Notice to abate or remove any nuisance shall be served upon the owner or occupants of the premises, or agent of the owner of the property or premises responsible for the unabated nuisance. If the owner of the property is unknown or absent with no known representative or agent upon whom notice can be served, then the Sheriff or Constable shall post a written or printed notice upon the property premises, setting forth that unless the nuisance is abated or removed within ten days, the said Sheriff or Constable will abate or remove, or cause to be abated or removed, at the expense of the owner and property, the nuisance complained of and found to exist; *provided*, that in carrying out the provisions of this Act, no charge, debt or claim against any individual owner or any one piece of real property shall exceed the sum of fifty dollars.

SEC. 3. Any unpaid sum of money against the property or owner accrued in abating or removing nuisances contemplated by this Act, shall be a claim against the property and may be

Nuisances in
unincorpo-
rated towns.

Sheriff or
Constable
to abate
nuisances.

Officer to
post notice.

Proviso as
to cost.

Expense to
be claim
against
property.

recovered in an action at law in any court of competent jurisdiction in the county in which the unincorporated town is situated. The amount recovered to be disbursed in paying the expenses of abating or removing the nuisance and court expenses.

CHAP. CVI.—*An Act making it unlawful for employers to discount time labor checks issued by them to their employees.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Employers must not discount sums owing employees.

SECTION 1. Whenever any person or persons, firm, corporation or association whether acting as principal or agent, contractor or sub-contractor, shall hire or employ any other person or persons for the performance of any labor, or service, and shall issue to such person or persons time checks for the labor or service performed, it shall be unlawful for the person or persons, firm, corporation or association, issuing such time checks to discount the same or deduct therefrom any portion of the sum as such discount.

Misde-monor.

SEC. 2. Any employer of labor, or his agent or representative, violating the provisions of section one shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) or more than three hundred (\$300) dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such fine and imprisonment.

Penalty.

SEC. 3. Nothing in this Act shall apply to persons, firms, associations or corporations, making discounts, deduction, or *pro rata* payments in the course of bankruptcy or insolvency proceedings, or in the settlement of the estates of deceased persons.

Exceptions.

CHAP. CVII.—*An Act to amend an Act entitled "An Act to amend Section 124 of an Act entitled 'An Act to provide revenue for the support of the Government of the State of Nevada, and to repeal certain Acts relating thereto,' approved March 23, 1891," approved February 26, 1903.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 124 of an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891, approved February 26, 1903, is hereby amended so as to read as follows:

Section 124. Any person or persons who may conduct any

Act amended

hurdy-gurdy house, dance house or concert saloon in this State, where women or girls are employed to dance or to solicit the purchase by the person visiting such house, either directly or indirectly, of any kind of liquor, or wine or cigars, or to solicit such persons so visiting to treat to any kind of liquor, wine or cigars, shall, before entering upon the conduct of such dance house, or hurdy-gurdy house, or concert saloon, take out a license, in addition to the retail liquor license, from the Sheriff of the county in which such person or persons propose to carry on such business, and pay therefor the sum of five hundred dollars for each and every three months. All moneys received for licenses under the provisions of this Act shall be paid three-quarters into the county treasury and one-quarter into the State Treasury for general county and State purposes respectively.

Saloons
where
women are
employed
must pay \$500
quarterly
license.

Three-
fourths to
county; one-
fourth to
State.

CHAP. CVIII.—An Act authorizing the Board of Regents of the State University to complete any unfinished building or buildings now on the University grounds; providing the manner of payment therefor, and other matters in relation thereto.

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Regents of the State University is hereby authorized and directed to spend any sum which shall to said Board seem necessary, but not exceeding two thousand dollars, in finishing or completing in accordance with original plans or intention, and of the same materials as used in the construction thereof, any unfinished building heretofore begun and partially completed on the University grounds at Reno, State of Nevada, and the sum of two thousand dollars is hereby appropriated for the purpose named in this section.

SEC. 2. The money hereby appropriated shall be taken from the State University Fund, and in its place shall be deposited four bonds of the State of Nevada of five hundred dollars each, bearing interest at the rate of four per cent per annum; said bonds shall run for ten years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor and State Controller, countersigned by the State Treasurer, and authenticated with the Great Seal of the State; and each of these bonds shall state in substance that the State of Nevada owes the State University Fund five hundred dollars, the interest on which sum at four per cent per annum the State of Nevada agrees to pay during the life of said bonds for the benefit of the University of the State. Said bonds may be lithographed as

How money
acquired and
repaid.

Faith of State pledged. is usual in similar cases and deposited with the State Treasurer. The interest on said bonds shall be paid semi-annually, on the first day of January and the first day of July of each year, on the written order of the State Board of Education to the State Controller directing him to draw his warrant for the amount of such semi-annual interest on the Contingent University Fund. All sums derived from the interest on said bonds shall be paid to the Contingent University Fund for the support of the University of the State and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

Annual tax levy.

SEC. 3. For the fiscal year beginning January first, nineteen hundred and five, and annually thereafter, such an annual tax shall be levied and included in and be a part of the annual tax levy for the Contingent University Fund, not exceeding one-eighth of one cent on each one hundred dollars, as may be necessary to pay the annual interest on said bonds and create a sinking fund for their redemption and payment at maturity; which tax, when collected, shall be held in said Contingent University Fund and applied only to the payment of said interest and bonds, as required by this Act.

CHAP. CIX.—*An Act regulating the compensation of county officers in Esmeralda County, in the State of Nevada.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salaries of Esmeralda County officers.

SECTION 1. From and after the approval of this Act, the county officers of Esmeralda County, State of Nevada, named in this Act, shall receive the following salaries and fees in full compensation for their services:

Sheriff.

The Sheriff shall receive four thousand (\$4,000) dollars per annum, and such fees, in civil actions, as are now allowed by law, and as ex officio Assessor, the Sheriff shall receive twelve hundred (\$1,200) dollars per annum. He shall appoint a Deputy Sheriff who shall receive eighteen hundred (\$1,800) dollars per annum. He shall also appoint a jailer, who shall be ex officio janitor of the Court House, who shall receive twelve hundred (\$1,200) dollars per annum.

Deputy.
County Clerk.

The County Clerk and ex officio County Treasurer shall receive two thousand (\$2,000) dollars per annum.

Recorder.

The County Recorder and ex officio County Auditor shall receive two thousand four hundred (\$2,400) dollars per annum, and one-half of such fees as are now allowed by law, over and above the sum of two hundred (\$200) dollars per month, which sum shall be by him first collected and paid into the county treasury for each and every month in the

manner now provided by law. The District Attorney and ^{District} Attorney ex officio Superintendent of Public Schools shall receive eighteen hundred (\$1,800) dollars per annum.

The County Commissioners shall each receive six hundred ^{Commissioners.} (\$600) dollars per annum, and mileage at the rate of twenty (20%) cents per mile, in going to and returning from the county seat, while upon attendance upon the Board of County Commissioners.

SEC. 2. All Acts or parts of Acts in conflict with the pro- ^{Repeal.} visions of this Act are hereby repealed.

CHAP. CX.—An Act to authorize the Superintendent of Public Instruction of Nevada to employ a stenographic clerk and fixing of compensation.

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Superintendent of Public Instruction of Nevada is hereby authorized to employ a stenographic clerk, whose compensation shall be seventy-five dollars per month. ^{Salary named.}

SEC. 2. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasury in favor of such clerk for the amount of his compensation then due, and the State Treasurer shall pay the same out of any moneys in the State Treasury not otherwise specially appropriated. ^{Duties of Controller and Treasurer.}

SEC. 3. This Act to take effect immediately.

In effect.

CHAP. CXI.—An Act to secure a larger water supply for the State Capitol and State Orphans' Home, and making an appropriation therefor.

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the General Fund of the State, not otherwise appropriated, for the purpose of providing a larger water supply for the State Capitol and the State Orphans' Home. ^{Appropriation of \$10,000.}

SEC. 2. Within six months after the approval of this Act, the Board of Capitol Commissioners are hereby authorized, ^{Duties of Capitol Commissioners.} empowered and required to commence the sinking of an arte-

sian well upon the grounds of the Capitol Square or upon the grounds of the State Orphans' Home for the purpose of developing artesian or subterranean water supply for the uses of the State.

To purchase machinery. SEC. 3. The Board of Capitol Commissioners may purchase well-boring machinery, and conduct the management of the work, or contract for sinking said well. The main pipe for said well to be advertised for in such manner as the Board of Capitol Commissioners may deem best; the lowest responsible bid to be accepted.

To determine depth and size. SEC. 4. The Board of Capitol Commissioners shall determine the depth of the well and size of pipe to be used, and may lessen or increase the depth of said well owing to the water supply developed.

May allow claims. SEC. 5. The Board of Examiners may, from time to time, as the work progresses, allow claims in whole or in part for services performed, or supplies furnished. The State Controller is authorized to draw his warrants for such claims; such warrants the State Treasurer is authorized to pay.

CHAP. CXII.—An Act authorizing and empowering the Boards of County Commissioners of the several counties of this State to regulate, issue licenses to and revoke the licenses of stationary engineers and others having charge or control of stationary engines, boilers, steam hoists and other steam generating apparatus and machinery.

[Approved March 17, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County Commissioners to regulate steam machinery. **SECTION 1.** In addition to the various other powers and duties provided by law for the Boards of County Commissioners of the several counties of the State, said Boards shall have the power, and it is hereby made their duty, to regulate the operation of stationary engines, steam apparatus and machinery, subject to and in conformity with the provisions of this Act.

Steam engineer's licenses. **SEC. 2.** The several Boards of County Commissioners are hereby authorized and required to prepare engineer's licenses and oaths and affidavits, as hereinafter provided, which licenses shall be issued, on application therefor, under the provisions of this Act, and which, before issuance, must be signed by a majority of the Board issuing same.

Three years experience required. **SEC. 3.** No license shall be granted or issued to any person to operate any stationary engine, steam boiler, hoist, apparatus or machinery, until the applicant therefor shall have taken

and subscribed to an oath that he has had at least three years' experience in the operation of steam boilers and machinery, or whose knowledge and experience is not such as to justify the Board before whom such application is made in the belief that he is competent to take charge of all classes of steam boilers and other stationary steam machinery.

• SEC. 4. Whenever complaint is made against an engineer holding a license as herein provided that he, through negligence, want of skill or inattention to duty, has permitted any boiler in his charge to burn, or has jeopardized life or property, the Board shall make a thorough investigation of the charge, and, upon satisfactory proof that the same is true, shall revoke the license of such engineer; and whenever a complaint is made that any person holding a license as herein provided has been in a state of intoxication or insobriety while on duty, such charge shall be thoroughly investigated by the Board, and, upon satisfactory proof of its truth, the license of such person shall be revoked forthwith, and no license shall thereafter be issued to such person by any Board of County Commissioners of this State.

SEC. 5. A license issued by any Board of County Commissioners of this State, as herein provided, shall, so long as the same remain unrevoked, entitle the lawful holder thereof to the privileges thereby conferred in any other county of this State upon his recording the same with the Clerk of the Board of Commissioners of the county in which he desires to exercise those privileges.

SEC. 6. For the license herein provided, the applicant shall before the issuance of same, pay a fee in the sum of five (\$5) dollars, which fee shall be assigned to the General Fund of the county in which paid.

SEC. 7. Any person operating any stationary engine, steam boiler, hoist or other stationary steam machinery or apparatus, where the lives, health or limbs of men may be involved, who has not first procured the license herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in a sum not less than fifty (\$50) dollars nor more than two hundred and fifty (\$250) dollars, or by imprisonment in the county jail not less than thirty nor more than one hundred and twenty days, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that nothing in this Act contained shall be held to apply to those operating in person their own private steam apparatus nor to persons operating any stationary engine, steam boiler or other steam apparatus or machinery for town or city purposes.

SEC. 8. This Act shall take effect thirty days from its passage and approval, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Revocation
of license,
when.

License
good in all
counties.

Fee, \$5.

License
shall be
procured.

Misde-
minanor.

Penalty.

Exceptions.

To take
effect.

CHAP. CXIII.—An Act to amend section three hundred and eighty-three of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869.

[Approved March 7, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and eighty-three of said Act is hereby amended so as to read as follows:

Clergyman or priest not to divulge confession. Section three hundred and eighty-three. A clergyman or priest shall not, without the consent of the person making the confession, be examined as a witness as to any confession made to him in his professional character.

CHAP. CXIV.—An Act relating to the compensation of county officers in Nye County, in the State of Nevada.

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Nye County officers' salaries. **SECTION 1.** From and after the approval of this Act, the county officers of Nye County, State of Nevada, named in this Act, shall receive the following salaries and fees in full compensation for their services:

Sheriff and Assessor. The Sheriff and ex officio Assessor shall receive two thousand (\$2,000) dollars per annum, and such fees and commissions as are now allowed by law.

Deputy Assessors. The Sheriff and ex officio Assessor shall be allowed for Deputy Assessors the sum of one thousand six hundred (\$1,600) dollars per annum.

Deputy Sheriff. The Deputy Sheriff shall receive twelve hundred (\$1,200) dollars per annum.

Treasurer. The Treasurer shall receive two thousand (\$2,000) dollars per annum.

Commissioners. The County Commissioners shall each receive six hundred (\$600) dollars per annum, and mileage at the rate of twenty cents (20 $\%$) per mile in going to, and returning from the county seat when upon regular attendance of the Board of County Commissioners.

District Attorney. The District Attorney and ex officio Superintendent of Public Schools shall receive two thousand (\$2,000) dollars per annum, and such fees as are now allowed by law.

Repeal. SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CXV.—*An Act authorizing the State Treasurer to transfer all moneys in University Interest and Sinking Funds No. 1 and No. 2, 1897, to the State Interest and Sinking Fund.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Treasurer is hereby authorized and empowered to transfer all of the moneys in University Interest and Sinking Fund No. 1, 1897, and all of the money in University Interest and Sinking Fund No. 2, 1897, to the State Interest and Sinking Fund.

CHAP. CXVI.—*An Act to repeal an Act entitled "An Act to create Coroner's Townships, making Justices of the Peace ex officio Coroners therein, fixing their townships, prescribing their duties and compensation, providing when it shall take effect, and to repeal all other Acts and parts of Acts in conflict with this Act," in all counties in which two thousand votes or more were polled at the last general election.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to create Coroner's Townships, making Justices of the Peace ex officio Coroners therein, fixing their townships, prescribing their duties and compensation, providing when it shall take effect and to repeal all Acts and parts of Acts in conflict with this Act," approved February 23, 1899, is hereby repealed in all counties in which two thousand (2,000) votes or more were polled at the last general election.

SEC. 2. This Act shall take effect immediately.

Effect.

CHAP. CXVII.—*An Act to segregate certain county officers in Lincoln County, and to fix the salaries thereof.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Monday in January, 1907, the office of County Clerk and ex officio Clerk of the Court and of the Board of County Commissioners of said county, and the office of County Treasurer of said county shall be separate and independent offices.

SEC. 2. At the general election held in the year 1906, and at each general election thereafter, there shall be elected in

Segregating
County Clerk
and County
Treasurer of
Lincoln
County.

County Clerk and County Treasurer to be elected in 1906. said Lincoln County, a County Clerk and ex officio Clerk of the Court and of the Board of County Commissioners, and a County Treasurer, each of which officers shall qualify by filing bonds in such amounts as may be required by the Board of Commissioners of said county. Said County Clerk and ex officio Clerk of the Court and of the Board of Commissioners shall receive the sum of one thousand and eighty dollars a year, and the said County Treasurer shall receive the sum of fourteen hundred dollars a year from the county in full compensation for their services.

Salaries of each officer.

Repeal.

SEC. 3. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. CXVIII.—An Act to amend an Act entitled "An Act consolidating certain county officers in Lyon County, and regulating the compensation of the county officers in said county," approved March 16, 1891, approved February 18, 1893, approved March 10, 1897.

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Salaries of Lyon County officers.

Clerk.

Section three. On and after the first day of April, nineteen hundred and five, the County Clerk, as ex officio County Treasurer of Lyon County, shall receive an annual salary of fifteen hundred dollars, which shall be in full compensation for all services rendered by him, both as County Clerk and ex officio County Treasurer. He shall make no charge for services performed by him for said county, but all fees authorized by law shall be collected by him and turned into the county treasury. He shall furnish the Board of County Commissioners of said Lyon County, on the first Monday of each and every month, an itemized statement, under oath, of the amount of fees so collected, and date of entry on the books of the Treasurer's office, and the date when said fees were turned into the county treasury.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

County Recorder to be ex officio Auditor and ex officio Superintendent of Schools.

Section four. On and after the first day of April, nineteen hundred and five, the County Recorder as ex officio County Auditor and also as ex officio Superintendent of Public Schools of Lyon County, shall receive an annual salary of fifteen hundred dollars, which shall be in full compensation for all services performed by him for said county as County Recorder and ex officio County Auditor and ex officio Superintendent of Public Schools. He shall make no charge for services performed for the county, but all fees authorized

by law shall be collected by him and paid to the County Treasurer on the first Monday of each and every month, and he shall at the same time prepare and file with the County Treasurer a full and accurate itemized statement, under oath, of all such fees collected by him in his official capacity during the month previous, and also a duplicate copy thereof with the Board of County Commissioners.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section five. On and after the first day of April, nineteen hundred and five, the Sheriff, as ex officio County Assessor of Lyon County, shall receive an annual salary of eighteen hundred dollars, and shall have authority to appoint a deputy, who shall act as jailer and janitor with an annual salary of twelve hundred dollars, and shall receive for all services and duties to be performed by him as Sheriff all fees now allowed by law, which together with his salary as ex officio County Assessor, shall be in full compensation for all services and duties to be performed by him as both Sheriff and ex officio County Assessor. The Sheriff is further authorized and empowered in case of emergency to appoint an additional Deputy Sheriff at a salary of seventy-five dollars per month, said salary to be paid out of the General Fund of Lyon County. The appointment of such additional deputy shall only be made with the approval of the Board of County Commissioners and for such time as said Board may deem necessary.

SEC. 4. Section eight of said Act is hereby amended so as to read as follows:

Section eight. On and after the first day of April, nineteen hundred and five, the District Attorney shall receive an annual salary of nine hundred dollars, which shall be in full compensation for all services performed by him as District Attorney.

SEC. 5. All Acts and parts of Acts in conflict with this Repeal. Act are hereby repealed.

CHAP. CXIX.—*An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act permitting the establishment of County High Schools in the various counties of this State, and providing for the construction, maintenance and management of the same,' approved March 4, 1895," as amended February 28, 1899.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision first of section six of said Act is hereby amended so as to read as follows:

Salary of
Sheriff and
ex officio
Assessor.

Additional
deputy,
when.

Salary of
District
Attorney.

Elko County
District
Attorney
member of
County
Board of
Education.

First—In Elko County the District Attorney, and in other counties, the County Superintendent of Schools of the county in which a county high school has been or shall be established, shall be one member of the County Board of Education.

CHAP. CXX.—An Act authorizing and empowering the State Board of Agriculture to exchange a strip of land of the Agricultural Grounds, for a like strip of land belonging to Washoe County now the county road running from Reno to Wedekind.

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

State Board
of Agriculture
authorized to
exchange
land.

SECTION 1. The State Board of Agriculture are hereby authorized and empowered to exchange with the Board of County Commissioners of Washoe County a strip of land along the west and north line of the Agricultural Grounds, for a like strip of ground belonging to the County of Washoe and which is now part of the county road between the City of Reno and the Town of Wedekind running along the south and east boundary of the Nevada State Agricultural Society's lands.

CHAP. CXXI.—An Act to authorize the Trustees of Reno Lodge No. 13, Free and Accepted Masons, and the Trustees of Reno Lodge No. 14, Independent Order of Odd Fellows, of Reno, Nevada, to sell the land embraced within what is known as the "Old Masons' and Odd Fellows' Cemetery" and to remove remains therefrom.

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Further
burials
prohibited.

SECTION 1. The further interment of bodies in the land situated in the southeast quarter of Section 10, Township 19 north, Range 19 east, M. D. B. and M., near the western corporate limits of the City of Reno, and known as the "Old Masons' and Odd Fellows' Cemetery," and more particularly described in those two certain deeds of John Larcombe, dated respectively March 28, 1871, and November 14, 1876, and recorded respectively in Book 4 of Deeds at page 190, and Book 6 of Deeds at page 332, Records of Washoe County, is hereby prohibited.

SEC. 2. The Trustees of Reno Lodge No. 13, Free and

Accepted Masons, and the Trustees of Reno Lodge No. 14, Independent Order of Odd Fellows, of Reno, Nevada, acting jointly and for and on behalf of said lodges, are hereby authorized to remove or cause to be removed from said land the remains of all bodies buried and now remaining therein and all monuments, headstones and lot or plot curbing or fences thereon, to what is known as the "New Masons' and Odd Fellows' Cemetery," or other suitable place or places; and to sell at public or private sale, the said land first above described and now belonging to the said above-named lodges, and by good and sufficient deed or deeds to convey the same to the purchaser or purchasers thereof, and to apply so much of the proceeds of such sale or sales as may be required for such purpose toward payment of the expenses of said removal.

Fraternal orders authorized to remove bodies and sell land.

SEC. 3. All persons having relatives or friends buried within the limits of said "Old Masons' and Odd Fellows' Cemetery," and desiring to remove such remains to some suitable place at their own expense, shall receive a permit so to do by the Trustees of said lodges.

Relatives may remove remains.

CHAP. CXXII.—*An Act to amend an Act entitled "An Act fixing the salaries and compensations of the officers of Humboldt County, and consolidating certain offices in said county, and to repeal all other Acts in relation thereto," approved March 9, 1891, approved March 6, 1899, approved March 20, 1903.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the passage of this Act, the Sheriff of Humboldt County shall receive the sum of twenty-four hundred dollars per annum, which shall be compensation in full for all services rendered. The Sheriff shall pay into the county treasury each month all moneys collected by him as fees. The Deputy Sheriff shall receive the sum of twelve hundred dollars per annum as salary, and he shall act as jailer, without further compensation; *provided*, that when it becomes necessary in criminal cases for the Sheriff to travel a greater distance than twenty miles from the county seat, he shall be allowed his necessary expenses therefor; *provided further*, that when it becomes necessary in civil cases for the Sheriff to travel a greater distance than twenty miles from the county seat, he shall be allowed his necessary expenses therefor, which shall be made a charge against the party or parties to whom the costs of the action are taxed. He shall present to the Board of County Commissioners a bill of items of such necessary expenses actually paid, which shall be certified under oath, and the Board of Commissioners shall audit

Salaries of Humboldt County officers.

Sheriff.

Deputy.

and allow such claims in the same manner as other county expenses are audited and allowed.

County Recorder. SEC. 2. The County Recorder, and as ex officio Auditor, shall receive the sum of two thousand dollars per annum, which shall be compensation in full for all services rendered, and he shall pay into the county treasury each month all moneys collected by him as fees. The County Clerk, and as ex officio Clerk of the Board of County Commissioners, shall receive the sum of fifteen hundred dollars per annum, which shall be compensation in full for all services rendered, and he shall pay into the county treasury each month all moneys collected by him as fees. The County Treasurer shall receive the sum of fifteen hundred dollars per annum. The County Assessor shall receive the sum of twenty-four hundred dollars per annum, which sum shall be compensation in full for all services rendered by him or his deputy. The District Attorney shall receive the sum of fifteen hundred dollars per annum, and he shall act as ex officio Superintendent of Schools without further compensation.

County Commissioners. SEC. 3. The County Commissioners shall each receive the sum of four hundred dollars per annum, and such mileage as is now allowed by law, and they shall meet regularly on the first Monday of each month at the Court House of said county for the transaction of all business that may come before them.

Consolidation. SEC. 4. The office of the Superintendent of Public Schools is hereby consolidated with the office of District Attorney.

No salary for deputies. SEC. 5. No allowance shall be made by the Board of County Commissioners for the compensation of any deputy or deputies for any of the officers named in this Act, except as herein specially provided.

Payable monthly. SEC. 6. All salaries herein provided for, and not otherwise payable, shall be payable monthly, in twelve equal installments. The County Auditor shall, on the first Monday of each month, draw his warrant on the Salary Fund in favor of each of the officers named herein, for the salary due said officer for the last preceding month, and the County Treasurer shall pay said warrant out of said fund.

Repeal. SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CXXIII.—*An Act fixing and regulating the salaries of certain officers of Washoe County, Nevada, and the compensation of their deputies and assistants.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the approval of this Act the

Assessor of Washoe County, Nevada, shall be allowed nine ^{Deputies} hundred dollars per year for deputies, in addition to any ^{allowed} Assessor. salary and allowances heretofore allowed to him.

SEC. 2. From and after the passage of this Act the ^{Assistant} County Treasurer of Washoe County, Nevada, shall be ^{allowed} Treasurer. allowed six hundred dollars per year for assistants in addition to any salary and allowances heretofore allowed to him.

CHAP. CXXIV.—An Act requiring County and District Recorders to enter in a Receiving Book, each document, instrument, or paper filed in his office, and providing for a file number to be placed on official records.

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the County and District Recorders in each county to enter each document, instrument, or paper filed in his office in a book to be known as the Receiving Book, in the order in which it is filed, and shall give to each document, instrument, or paper thus filed its proper number in the order of filing and shall write opposite the title, name or designation of such filing in said book the date of filing, the file number so given to it, and the amount of fees collected for the recording or filing of the same, as the case may be, and upon request shall issue his receipt for said fee, with the file number placed thereon, and said Receiving Book, when so kept, shall be the fee book of such Recorder for the matters herein mentioned, and shall be open to the inspection of any one desiring so to do. The file number of each document, instrument or paper, as hereinbefore mentioned, shall be placed on such document, instrument or paper at the time of filing, and on the official record when and where the same shall be recorded.

SEC. 2. Any officer who shall wilfully violate any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars.

SEC. 3. All Acts or parts of Acts in conflict with this Act Repeal are hereby repealed.

CHAP. CXXV.—*An Act to amend Section 517 of Title XVI of the Civil Practice Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amending
Section 517
of Civil
Practice Act.

Summons.

Time of
service and
return in
different
cases.

SECTION 1. Section 517 of Title XVI of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869, is hereby amended so as to read as follows:

Section 517. The time mentioned in the summons for the appearance of the defendant and the time of service shall be as follows:

First—When the summons is accompanied with an order to arrest the defendant, it shall be returnable immediately.

Second—When the defendant is a non-resident of the township or city, or when the plaintiff is a non-resident, it shall be returnable not more than twelve days from its date and shall be served at least one day before the time for appearance, except in cases where it is to be served by publication, or out of the State, or by posting notices thereof, when it shall be made returnable at any time designated by the Justice, not less than six weeks nor more than four months from its issuance.

Third—In all other cases it shall be returnable in not less than two nor more than ten days after its date, and shall be served at least two days before the time for appearance; provided, that in cases where an action is brought in an adjoining township, because there is no Justice in the proper township, it shall be returnable in not less than five nor more than ten days after its date.

Fourth—When the person on whom the service is to be made resides out of the State, or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself to avoid the service of summons, or being a corporation or joint stock association, cannot be served as provided in section twenty-nine, and the fact shall appear by affidavit to the satisfaction of the Justice thereof, and it shall in like manner appear that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action, such Justice may grant an order that the service be made by the publication of the summons.

Fifth—The order shall direct the publication to be made in a newspaper to be designated by the Justice as most likely to give notice to the person to be served, for a period of six weeks, and at least once a week during said time. In case

of publication, where the residence of the non-resident or absent defendant is known, the Justice shall also direct a copy of the summons and complaint to be deposited in the postoffice, postage prepaid, directed to the person or corporation to be served, at residence of such person or place of business of such corporation. When publication is ordered, personal service of a copy of the summons and complaint out of the State shall be equivalent to publication and deposit in the postoffice. The service of summons shall be deemed complete in case of publication, at the expiration of six weeks from the first publication, and in case where a deposit of a copy of the summons in the postoffice is also required, at the expiration of six weeks from such deposit; in action upon contracts for the direct payment of money, evidence by written instrument, the Court may, instead of ordering publication, appoint an attorney to appear and answer for the non-resident, absent or concealed defendant, and conduct the proceedings on his part; but in such case where the residence of the defendant is known, a copy of the summons shall be deposited in the postoffice and addressed to the defendant, as in other cases, and the attorney so appointed shall not appear until the return day named in the summons.

CHAP. CXXVI.—*An Act authorizing owners of land to lay out and plat such land into lots, streets, alleys and public places, and providing for the approval and filing of maps or plats thereof.*

[Approved March 13, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Owner May Plat Lands. It shall be lawful for any owner or owners of any land, or any trustee or trustees selected by such owners, to lay out and plat such land into lots, streets, alleys, and public places.

SEC. 2. Map. Whenever any lands are hereafter laid out and platted as mentioned in section one, the owner or owners of the same, or any trustee or trustees selected by such owner or owners, shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

1. All the parcels of ground so laid out and platted by their boundaries, course, and extent, and whether they are intended for avenues, streets, lanes, alleys, commons, or other public uses, together with such as may be reserved for public purposes.

2. All lots intended for sale by numbers and their precise length and width.

SEC. 3. Approval by Legislative Authority of City, Etc.

Map or plat
must be
acknowl-
edged, cer-
tified and
approved.

Such map or plat shall be acknowledged by such owner or owners, or trustee, before some officer authorized by law to take the acknowledgment of conveyances of real estate, and certified by the surveyor making such plat, and, if the land is situated in any city or town, shall be approved by the legislative authority of the city or town in which such land is situated, or by some city or town officer for that purpose designated by resolution or ordinance of said legislative authority, and in the absence of such legislative authority, by the legislative authority of the county in which the town is situated; and if the land is situated outside of any city or town, shall be approved by the Board of County Commissioners of the county, or by some county officer for that purpose designated by resolution or ordinance of said Board; and when so acknowledged, certified and approved, shall be filed and recorded in the office of the County Recorder of the county in which the said lands so platted and laid out are situated.

Filed and
recorded.

Dedication
of streets,
etc.

SEC. 4. *Dedication of Streets, Etc.* Such maps and plats when made, acknowledged, filed and recorded with the County Recorder, shall be a dedication of all such avenues, streets, lanes, alleys, commons, or other public places or blocks, and sufficient to vest the fee of such parcels of land as are therein expressed, named, or intended, for public uses for the inhabitants of such town and for the public for the uses therein named or intended.

Selling lots
before
recording
map.

Penalty.

Vacating
plat.

Petition.

SEC. 5. *Selling Lots Before Recording Map—Penalty.* If any person shall sell or offer for sale any lot so platted according to said plat within any town site or addition before the map or plat thereof shall have been made out, approved, acknowledged, filed and recorded, as in this Act provided, such person shall forfeit to the county in which said town site or addition is located, a sum not exceeding three hundred dollars for every lot which he shall sell. Such a forfeiture shall be recovered in the name of such county in an action brought by the District Attorney or other prosecuting officer thereof.

SEC. 6. *Vacating Plat.* Any owner or owners of land that has been laid out and platted as hereinbefore provided, may, upon application to the City Council of the city wherein said land is situated, or to the Board of County Commissioners of any county wherein said land is contained, have such plat, or any portion thereof, or any street or alley therein contained, vacated, altered, or changed as herein-after provided.

SEC. 7. *Petition.* If it is desired to vacate an entire plat, and the land is situated in any incorporated city, an application in writing signed by all of the owners of the land contained in said plat, and by the owners of land contiguous or adjacent to any street or alley in such plat, shall be made to the City Council of the city wherein such land is situated, and

in all other cases the application shall be made to the Board of County Commissioners wherein said land is contained.

SEC. 8. *Hearing—Order.* The City Council or the Board ^{Hearing} of County Commissioners shall, at its next regular meeting after the filing of such application, consider the same, and if the said Council or said Board be satisfied that neither the public or any person will be materially injured thereby, it ^{Order.} shall order such plat to be vacated as prayed for in the petition, which order shall be recorded in the office of the Recorder of the county wherein said land is situated.

SEC. 9. *Vacating Portion of Plat—Petition.* If it is ^{Vacating portion of plat; petition.} desired to vacate a portion only of any plat or a street or alley therein, application in writing may be made for that purpose to the City Council of the city wherein said land is situated, and in all other cases to the Board of County Commissioners of the county wherein said land is contained, which petition shall be signed by all the owners of land in the plat of which a portion is to be vacated, and by the owners of land contiguous or adjacent to any street or alley in such plat, to vacate or alter which application is made.

SEC. 10. *Hearing—Order.* Upon the filing of such application, the City Council or Board of County Commissioners, as the case may be, shall, at its next regular meeting proceed to hear and consider the same, and if the said Council or Board be satisfied that neither the public nor any person will be materially injured thereby, it shall order such portion of said plat or such street or alley to be vacated, altered or changed, as prayed for in the petition, which order shall be duly recorded in the office of the Recorder of the county wherein said land is situated.

SEC. 11. *Recording Maps and Plats.* It shall be unlawful ^{Recording maps and plats.} for any Recorder to record any map, plat, or subdivision of land, situated in any city or town, until the same shall have been approved by the legislative authority of the city or town in which such land may be situated, or by some city or town officer for that purpose to be designated by resolution or ordinance of said legislative authority, and, in the absence of said legislative authority, by the legislative authority of the county in which the town is situated, except the said map, plat, or subdivision be attached to or form a part of a conveyance and relate to the property or some part thereof embraced in said conveyance. And it shall be unlawful for any Recorder to record any map, plat, or subdivision of land situated outside of any city or town until the same shall have been approved by the Board of County Commissioners of the county in which such land is situated, or by some county officer for that purpose designated by resolution or ordinance of said Board, except that the said map, plat, or subdivision be attached to or form a part of a conveyance and relate to the property, or some part thereof, embraced in said conveyance. For each and every violation of this section by any

Recorder, his deputy or employee, each Recorder shall forfeit and pay to the county the sum of two hundred dollars, to be recovered in any court of competent jurisdiction.

SEC. 12. All maps and plats shall be made upon vellum or tracing cloth and no map or plat shall be accepted for filing and recording made upon ordinary paper or blue print.

Maps and
plats must be
on vellum.

CHAP. CXXVII.—*An Act to provide for the appointment of a State License and Bullion Tax Agent of the State of Nevada, fixing his compensation and prescribing his duties.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Governor to
appoint
State Agent;
salary \$2,000
per year.

SECTION 1. The Governor is hereby authorized, empowered and directed within thirty days after the approval of this Act, to appoint some person, a resident of the State of Nevada, a State License and Bullion Tax Agent, whose term of office shall be for two years or during the pleasure of the Governor, and whose salary shall be two thousand dollars per year and such traveling expenses as authorized by Section 8 of this Act, both salary and traveling expenses to be paid from the General Fund of the State out of any moneys not otherwise appropriated.

State Agent
must report
in writing.

SEC. 2. It shall be the duty of said State License and Bullion Tax Agent to inquire into and report in writing every three months, or as often as the conditions in any county show the necessity of a report, to the Sheriff, District Attorney, and Board of County Commissioners of each county in this State the names of each person or persons, company, corporation, or association carrying on, conducting or managing any business in their respective counties, subject to the payment of State or county licenses as required by the laws of this State, and to see that the same are collected and paid into the State and counties as the law directs.

State Agent
must visit
counties and
examine
books and
records.

SEC. 3. Said State License and Bullion Tax Agent shall, if in his judgment deemed necessary, visit any of the counties of this State for the purpose of examining into the collections of licenses for State and county purposes and may demand from any State or county officer having in charge the collection of State and county revenue their books or records wherein the transaction of such collections are recorded.

SEC. 4. Any State or county officer refusing an inspection of his books or records, when demanded by the said State

License and Bullion Tax Agent, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of three hundred dollars or imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment, for each and every offense.

SEC. 5. It shall be the further duty of said State License and Bullion Tax Agent to examine into and report to the State Controller and the Assessors of their respective counties the condition of the various mines and mining companies producing the ores and metals in this State, in so far as the product of the same is subject to taxation for State and county purposes, and the amount of revenue derived therefrom, and to this end is hereby authorized to demand an inspection of the books or records of any person or persons, company, corporation, or association carrying on, conducting, or managing, any mine, mining claim, or mining property in this State, the object of this section being to ascertain the actual cost of mining, transportation and reduction of ores taken from the mines of this State and the amount of taxes paid or payable thereon.

SEC. 6. Any County Assessor refusing an inspection of his books or records when demanded by the said State License and Bullion Tax Agent shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of three hundred dollars, or imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment, for each and every offense.

SEC. 7. Any person or persons, company, corporation or association, or the superintendent or managing agent of any person or persons, company, corporation or association engaged in mining such ores and precious metals in this State, and who, upon demand of said State License and Bullion Tax Agent shall refuse an inspection of their books or records, or shall refuse to give such information as may be demanded by the said State License and Bullion Tax Agent, relating to the expense of mining, transportation and reduction of ores, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of three hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment for each and every offense.

SEC. 8. The actual traveling expenses of said State License and Bullion Tax Agent shall be a claim against the State, to be approved by the State Board of Examiners, and paid as provided in Section 1 of this Act, said actual traveling expenses not to exceed the sum of five hundred dollars (\$500) for any one year.

SEC. 9. Before entering upon his duties as State License and Bullion Tax Agent he shall take the oath of office required by State officers, and enter into a bond of ten

thousand dollars, to be approved by the State Board of Examiners and conditioned for the faithful discharge of his duties.

CHAP. CXXVIII.—*An Act supplemental to an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891, and to all Acts amendatory thereof, and to provide for a State license upon the business of disposing at retail or wholesale of spirituous, malt or vinous liquors in this State, and providing penalties for violation hereof.*

[Approved March 15, 1906.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Must take
out a State
liquor license

SECTION 1. On the first day of July, A. D. one thousand nine hundred and five, and annually thereafter on January first, every person, firm, company or corporation manufacturing or selling, either at retail or wholesale, any spirituous, malt or vinous liquors shall in addition to the licenses now provided by law, take out a State liquor license as herein-after provided, which license shall not be transferable by sale, assignment or otherwise.

State Con-
troller to
have printed
blank
licenses.

SEC. 2. The State Controller is hereby authorized and required to have printed blank licenses in sufficient quantities to supply all of the counties of this State, duly numbered and bound together in convenient form, similar to the poll-tax books now issued by said State Controller, said licenses to generally conform in words and blank lines to the following, to wit:

Form of
license.

\$..... **STATE OF NEVADA LIQUOR LICENSE.** No.
..... County, Nevada.
....., 19.....

This certifies that has paid
(\$.....) dollars State liquor license, which entitles him, upon payment of the other licenses provided by law, to carry on the business of (retailing or wholesaling, as the case may be) spirituous, malt and vinous liquors in, in the County of, State of Nevada, for the year ending, 19....., unless this or the other licenses provided by law be revoked by authority of law.

Retail
license.

Sheriff of County, Nevada.
....., State Controller.

SEC. 3. The several Sheriffs of the respective counties of this State are hereby made the collectors of, and authorized and required to issue and collect, said licenses, and shall, upon the

payment of fifty (\$50) dollars, issue a retail State license to any person, firm, company or corporation engaged in selling spirituous, malt or vinous liquors in quantities less than five gallons, and the word "*Retail*" shall be written in red ink across the face of such license; *provided*, that retail drug stores shall not be required to pay more than twelve (\$12) dollars per annum for such retail State liquor license.

SEC. 4. Any person, firm, company or corporation disposing of spirituous, malt or vinous liquors in quantities in excess of five gallons shall be considered a wholesaler or rectifier, and shall pay a State liquor license of one hundred (\$100) dollars per annum, and the word "*Wholesale*" shall be written across the face of such license, in red ink.

SEC. 5. The State Controller shall, immediately after the passage of this Act or as soon thereafter as the blank licenses can be secured, forward a sufficient number of same to each of the Sheriffs of the respective counties of this State, and said Sheriffs shall at once proceed under the provisions of this Act to issue said licenses and to collect therefor.

SEC. 6. The Sheriffs of the respective counties of this State are hereby required to make quarterly statements to and settlements with the State Controller in the matter of the licenses herein authorized and required to be issued and collected, and to pay into the State Treasurer quarterly all moneys by them severally collected for such licenses, taking his receipt therefor.

SEC. 7. The State License and Bullion Tax Agent shall have power and authority, and it is hereby made his duty, to enforce the payment and collection of the licenses herein provided.

SEC. 8. Any person, firm, company or corporation violating any of the provisions of this Act, or selling or attempting to sell any spirituous, malt or vinous liquor in this State after July first, 1905, without having first obtained or made application and paid for the State liquor license herein provided and required, shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail in the county in which such conviction is had for a period not less than sixty (60) days nor more than six months, or by both such fine and imprisonment for each and every offense; and any Sheriff of this State failing, refusing or neglecting to collect the license herein provided shall likewise be guilty of a misdemeanor, punishable as aforesaid, and shall, upon conviction thereof, in addition to the punishment above imposed, forfeit his office, and such conviction shall operate *per se* to create a vacancy in such office, such vacancy to be filled as in the case of vacancies created in such office from other causes.

SEC. 9. This Act shall take effect on the first day of July

Act to take effect July 1, 1906; proviso.

one thousand nine hundred and five; *provided*, that the licenses collected for the year 1905 shall be pro rata for the remainder of said year 1905, calculated at fifty dollars per annum for retailers, twelve dollars per annum for retail drug stores and one hundred dollars per annum for wholesalers and rectifiers, as herein provided.

CHAP. CXXIX.—*An Act authorizing the County Commissioners of Elko County to enter into a contract with the proper officers of the Government of the United States for right of way and outlet for drainage and sewerage from the Indian School to be built in Elko County.*

[Approved March 16, 1905.]

WHEREAS, The Government of the United States is about to establish an Indian School at or near the Town of Elko in this State, and the people of the Town and County of Elko desire to aid and encourage the establishment of said school by all proper means; and

WHEREAS, Doubts have arisen concerning the power of the Board of County Commissioners of the county to enter into contract with the officers of said Indian School concerning the right of way and outlet for a ditch leading from the buildings of said school for drainage and sewerage purposes; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County Commissioners authorized to enter into a contract.

SECTION 1. The Board of County Commissioners of Elko County are hereby authorized, if said Board deem it advisable, to enter into a contract with the proper officers of said Indian School granting permission for a right of way and outlet for drainage and sewerage purposes leading from said Indian School buildings to such point of discharge as may be mutually determined upon by said Board of County Commissioners, and such officers, having regard always for the property rights of others and the sanitary effects resulting therefrom.

Authorized to purchase and deed site

SEC. 2. The Board of County Commissioners of Elko County are hereby authorized to purchase and deed a suitable site to be used as a terminal for said drainage and sewer system to the Government; *provided*, that said site will not exceed in cost the sum of two hundred and fifty dollars; *and provided further*, that said Indian School will be built at the place heretofore approved.

CHAP. CXXX.—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create Judicial Districts in the State of Nevada, provide for the election of District Judges therein and fix their salaries,' approved March 18, 1891," approved March 13, 1897, and to repeal certain Acts relating to the salaries of the District Judges of the First and Fourth Judicial Districts, approved March 16, 1899, approved March 10, 1903.

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. The salary of each District Judge hereafter elected as provided for in this Act, and those appointed to fill vacancies after the first Monday in January, A. D. 1899, shall be four thousand dollars per annum, except the salary of the District Judge of the Fourth Judicial District, comprising Elko, White Pine, and Lincoln Counties, shall be four thousand five hundred dollars per annum, and the salary of the District Judge of the Fifth Judicial District, in and for Humboldt County, which salary shall be twenty-four hundred dollars per annum. Said salaries shall be paid in equal monthly installments out of the District Judges' Salary Fund, hereby created in the State Treasury, which fund shall be supplied in the manner following, to wit:

Each county in the State shall contribute annually to the said fund the following sums: Storey County, eight hundred dollars; Ormsby County, nine hundred and eighty dollars; Douglas County, five hundred dollars; Esmeralda County, nine hundred and five dollars; Lyon County, eight hundred and fifteen dollars; Washoe County, three thousand five hundred and fifty-two dollars; Churchill County, four hundred and forty-eight dollars; Humboldt County, two thousand four hundred dollars; Nye County, one thousand and forty-five dollars; Eureka County, one thousand six hundred and twenty-six dollars; Lander County, one thousand three hundred and twenty-nine dollars; Elko County, three thousand one hundred and seventy-eight dollars, White Pine County, four hundred dollars; Lincoln County, nine hundred and twenty-two dollars; and it is hereby made the duty of the Board of County Commissioners of each county to make such arrangements and orders as may be necessary to insure the forwarding of their county's quota of said District Judges' Salary Fund to the State Treasury at such times and in such installments as will enable the State Treasurer to pay each District Judge one-twelfth of his annual salary on the first day of each and every month, and to cause such money to be forwarded by the County Treasurers, and, if necessary, in order

to render certain the forwarding of such moneys in ample time to prevent any default in said monthly installments, said Board of County Commissioners shall transfer and use any moneys in the county treasuries, except those belonging to the Public School Fund. No salary of any District Judge shall be paid in advance.

Repeal. SEC. 2. An Act relating to the salary of the District Judge of the Fourth Judicial District of the State of Nevada, approved March 16, 1897, is hereby repealed.

Repeal. SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Take effect. SEC. 4. This Act shall take effect from and after the first day of April, A. D. 1905.

CHAP. CXXXI.—*An Act to prevent the removal or handling of a body or the chattels or effects belonging to the deceased in certain cases, and requiring the Coroner to be notified of the death, and providing a penalty for any violation of this Act.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of death where the person was not attended in his or her last sickness by a physician, or where the person was so attended by a physician if the death was surrounded by circumstances such as to afford reasonable grounds to suspect that the death had been occasioned by unnatural causes, the dead body, and the clothing, property, goods, and effects belonging to the deceased shall not be touched, handled, or removed by any person, except, if necessary, to move it to the nearest shelter, but the person acting as Coroner of the county shall be immediately notified of such death; and said Coroner, when so notified, shall take charge of the body, goods, and effects and proceed to hold an inquest over the same and ascertain all the facts and circumstances attending said death. Nothing in this Act shall apply to communities having no official authorized to act as Coroner.

Penalties. SEC. 2. Any person violating the provisions of section one of this Act shall be deemed guilty of a misdemeanor and punished by a fine not exceeding five hundred (\$500) dollars, or imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

SEC. 3. This Act shall take effect immediately.

Coroner to be notified.

CHAP. CXXXII.—An Act fixing and regulating the salaries of the County Commissioners of Washoe County, Nevada, and fixing and regulating the salary of the County Clerk of Washoe County, Nevada.

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the approval of this Act the Commissioners of Washoe County, Nevada, shall each be allowed and paid the sum of one hundred dollars per year as salary in addition to the amount now provided by law.

SEC. 2. From and after the approval of this Act the County Clerk of Washoe County, Nevada, shall be allowed and paid six hundred dollars per year for assistants in addition to any salary and allowances heretofore allowed to him.

Salary of
County Clerk
Repeal.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAP. CXXXIII.—An Act to amend an Act entitled "An Act fixing the salaries and compensation of county officers in Lander County, State of Nevada," approved March 15, 1901.

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Monday in April, nineteen hundred and five, the following-named officers within Lander County, State of Nevada, shall receive in full payment for all services rendered by them the following salaries and fees:

The Sheriff shall receive six hundred (\$600) dollars per annum and the fees now allowed by law. He may appoint a jailer, whose salary shall be one hundred dollars (\$100) per month.

The County Assessor shall receive twelve hundred and fifty (\$1,250) dollars per annum.

The County Recorder, as such and as ex officio Auditor, shall receive twelve hundred (\$1,200) dollars per annum and the fees allowed under the Act of February 27, 1883. He shall perform all county work required in his office, extend the annual assessment roll without further compensation or charge against the county.

The County Treasurer shall receive twelve hundred (\$1,200) dollars per annum.

The County Clerk shall receive nine hundred (\$900) dollars per annum and such civil fees as are now allowed by law.

The District Attorney, as such and ex officio Superintendent of Schools, shall receive twelve hundred (\$1,200) dollars per annum.

Commissioners.

The County Commissioners shall each receive a salary of six hundred (\$600) dollars per annum and actual traveling expenses, when traveling upon the business of said county. Said expenses to be sworn to and allowed by said Board of County Commissioners the same as any other bill against said county.

SEC. 2. All salaries provided for under the provisions of this Act shall be payable monthly.

Payable monthly.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CXXXIV.—*An Act to fix the salary of the Constable or regular peace officer of Battle Mountain Township, County of Lander, State of Nevada.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salary of
Constable
of Battle
Mountain
Township.

SECTION 1. From and after the passage of this Act, the Board of County Commissioners of Lander County are hereby authorized and directed to appropriate from the treasury of said county and pay to the regularly elected or appointed Constable of Battle Mountain Township of said county, the sum of twenty-five (\$25) dollars monthly as a salary, in addition to fees now allowed by law.

CHAP. CXXXV.—*An Act providing for the appointment of a State Veterinarian, defining his duties and fixing his compensation. Governor to appoint.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

GOVERNOR TO APPOINT.

Governor to
appoint.

SECTION 1. The Governor of the State of Nevada is hereby authorized and empowered to appoint a State Veterinarian to aid and assist in developing and protecting the live-stock industry of the State of Nevada. Said Veterinarian shall be a graduate of some reputable veterinary school, a man of recognized skill and ability and shall hold his position at the will and pleasure of the Governor as herein provided.

DUTIES OF VETERINARIAN.

Duties of
Veterinarian.

SEC. 2. Said State Veterinarian shall devote his time to the investigation of the nature, causes of and remedies for

diseases of horses, mules, cattle, swine, sheep, and all other domestic animals; and to such other duties as the Governor may prescribe.

THREE FREEHOLDERS CAN DEMAND VETERINARIAN.

SEC. 3. It shall be lawful for any three freeholders and residents of this State to go before a Justice of the Peace, the District Attorney or the Board of County Commissioners and demand the presence and services of the said State Veterinarian to investigate an outbreak of any contagious or infectious disease amongst any of the domestic animals.

Three freeholders can demand Veterinarian.

DUTY OF OFFICERS—DUTY OF VETERINARIAN.

SEC. 4. It shall be the duty of the Justice of the Peace, District Attorney or Board of County Commissioners to notify said veterinarian at once at his office by letter or telegram. It shall be the duty of said State Veterinarian to go to the locality named and give such aid and instructions as he may think best for the prevention or cure of the diseases with which he shall find live stock infected. It shall also be the duty of said State Veterinarian, to coöperate with the officers of the Bureau of Animal Industry, United States Department of Agriculture, in the control of infectious or contagious diseases.

DISEASED STOCK TO BE EXAMINED AND QUARANTINED.

SEC. 5. If, upon investigation, said State Veterinarian shall be satisfied that said live stock is infected with what is known as pleuro-pneumonia, tuberculosis, glanders, anthrax, hog cholera, swine plague, foot and mouth disease, or any other contagious or infectious disease against which he may think best to quarantine, he shall have authority to call upon the Sheriff or other officer of the law in said county in which the said diseased stock may be found, setting forth in writing the number of stock infected and the character of the disease, the said Sheriff or other officer to enforce such regulations as the State Veterinarian shall deem necessary to control or subdue said outbreak of infectious disease.

Diseased stock to be examined and quarantined.

DISPOSITION OF CARCASSES.

SEC. 6. Carcasses of every description must be burned immediately or else buried at least three feet beneath the level of the ground and it shall be unlawful to leave them exposed to decay.

Disposition of carcasses.

STOCK FROM AFFECTED DISTRICTS OUTSIDE OF THIS STATE INSPECTED—VETERINARIAN'S FEES.

SEC. 7. No stock from infected districts in other States or Territories will be allowed to cross the State lines and enter Nevada until they have first been inspected at the owner's expense. But said State Veterinarian shall have the

Inspection of stock from affected districts.

Veterinarian's fee.

authority to recognize certificate of inspection issued by the Inspectors of the United States Department, Bureau of Animal Industry, indicating that said stock are free from any contagious or infectious diseases. The veterinarian's fee shall be ten dollars per day and necessary traveling expenses. This shall be applied to the General Fund of the State of Nevada. The veterinarian shall be notified by letter or telegram; he shall go at once to such place as he may designate and inspect said stock; if found healthy, he shall give a certificate of health to those in charge of said stock on the payment of veterinarian's fees and necessary traveling expenses.

MISDEMEANOR FOR VIOLATION.

Misde-meanor for violation.

SEC. 8. Any person or persons, company or corporation who shall violate any provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail for not less than two months or more than one year or by both such fine and imprisonment for each offense.

Sheriff's compensation.

SEC. 9. The Sheriff or other officer of the law, shall receive for his services under this Act such compensation as is now provided by law for similar labor, which shall be allowed by the District Court of the district, and paid out of the county treasury of the county in which such diseased stock shall be found, as other claims are paid.

VETERINARIAN TO REPORT TO GOVERNOR—WHAT REPORT SHALL CONTAIN.

Veterinarian to report to Governor; what report shall contain.

SEC. 10. Said State Veterinarian shall report to the Governor in writing at least once in every month setting forth the locality or localities visited as provided in the preceding sections, the kind of stock inspected, the time taken to inspect them, the number admitted to cross the line into Nevada, the number permitted to leave infected districts and to whom certificates of health for stock were given, the amount of fee received for inspecting said stock and for issuing certificates, also the kind of stock treated, the type and character of the disease, the remedies prescribed and the results as far as known. He shall also render an account for the number of miles traveled and the actual sum of money paid out therefor; and, if found correct, this account shall be audited and allowed by the State Controller as is now provided by law.

To publish information.

STATE VETERINARIAN TO PUBLISH INFORMATION.

SEC. 11. The State Veterinarian shall from time to time select from such report and publish such information as he may think valuable to the people of Nevada. This informa-

tion may be published in connection with the report relating to agriculture or in a separate bulletin.

SALARY OF STATE VETERINARIAN.

SEC. 12. The State Veterinarian herein provided for shall receive a salary not to exceed eighteen hundred dollars per annum and necessary traveling expenses payable out of the General Fund of the State of Nevada, as other claims are paid.

APPROVED BY BOARD OF EXAMINERS.

SEC. 13. The State Controller is hereby authorized, empowered and required to draw his warrant in favor of the State Veterinarian created by this Act, for the salary and traveling expenses provided for in this Act, when approved by the Board of Examiners; and the State Treasurer is hereby authorized, empowered and directed to pay the same.

STATE VETERINARIAN TO REPORT TO LEGISLATURE.

SEC. 14. It shall be the duty of the said State Veterinarian to make a report to the State Legislature, within ten days of the date of the meeting thereof, of such data and useful knowledge together with such suggestions as may be beneficial to the stock interests of the State of Nevada.

WHEN IN FORCE.

SEC. 15. The fact that there now exist in certain parts of this State germs of anthrax and other dangerous, contagious and infectious diseases of domestic animals, creates an emergency within the meaning of the Constitution; therefore, this Act shall be in force from and after its passage.

CHAP. CXXXVI.—*An Act to segregate the office of District Attorney and Superintendent of Public Schools in Elko County and to fix the salaries thereof.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Monday in January, 1907, or whenever a vacancy occurs in the office of District Attorney and ex officio County Superintendent of Public Schools in Elko County, the office of District Attorney and the office of County Superintendent of Public Schools shall be separate and independent offices, except as hereinafter provided.

SEC. 2. The Principal of the County High School of Elko County shall be ex officio the County Superintendent of Public Schools in said county and perform all the duties of said

Salary of
Veterinarian.

Approved
by Board of
Examiners.

Veterinarian
to report to
Legislature.

To be sepa-
rate offices.

Principal of
County High
School shall
be County
Superin-
tendent of
Public
Schools.

Allowed
traveling
expenses.
Proviso.

District
Attorney to
be member
of County
Board of
Education;
to act as
Superin-
tendent dur-
ing vacancy.

Salary of
District
Attorney.

Repeal.

office except that he shall not be a member of the County Board of Education, but shall receive no compensation for his services as such Superintendent other than his salary as Principal of the High School except that he shall be allowed his actual traveling expenses while visiting the public schools of the county, such expenses to be allowed and paid out of the General Fund of the county as other claims against the county are allowed and paid; *provided*, that not more than \$200 shall be so allowed for traveling expenses in any one year. He shall qualify as such Superintendent by filing a bond in such amount as may be required by the Board of Commissioners of such county.

SEC. 3. The District Attorney of Elko County shall be ex officio one of the three members of the County Board of Education in said county, and whenever a vacancy shall occur in the office of County Superintendent of Public Schools in said county because there is no Principal of the County High School or because the Principal of the County High School is disqualified to hold the office of County Superintendent or for any other reason, the District Attorney shall during such vacancy perform all the duties of County Superintendent of Public Schools. The District Attorney shall receive the sum of fifteen hundred dollars per annum, to be paid as by law provided, and he shall act as a member of the County Board of Education and perform the duties of County Superintendent of Public Schools during a vacancy in that office without further compensation.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CXXXVII—*An Act to provide heating facilities for the Capitol Building.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Heating
apparatus
for State
Capitol;
appropri-
ation, \$7,500

To advertise
and secure
bids.

SECTION 1. The sum of seven thousand five hundred (\$7,500) dollars is hereby appropriated out of the General Fund not otherwise appropriated to furnish the Capitol Building with suitable heating apparatus, supplying the building with heat from low-pressure, steam-boilers situated in the basement and to be piped to radiators in the different rooms in the building.

SEC. 2. The State Board of Capitol Commissioners are hereby authorized to advertise and secure bids for the work and adopt any plan of heating which comes under the general provisions of this Act, and which in their judgment will result in a more economical method of heating the building than the one now employed.

SEC. 3. The Board shall have the right to reject any or all bids. Right to reject bids.

SEC. 4. The State Controller is hereby authorized to draw his warrant for the said sum herein appropriated, and the State Treasurer is hereby authorized to pay the same. Treasurer to pay warrant.

CHAP. CXXXVIII.—*An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act fixing the salaries of the county officers of Lincoln County, and providing for the compensation of a Deputy Sheriff therein,' approved February 17, 1887," approved March 5, 1897.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the above-mentioned Act shall be amended to read as follows:

Section eight. The County Commissioners shall each receive two hundred (\$200) dollars a year, together with the sum of ten (10%) cents a mile for going to and returning from the county seat. Salary of
Commiss.
sioners.

CHAP. CXXXIX.—*An Act to authorize the Trustees of Bunkerville School District to issue bonds for the purpose of creating a fund for the completion of public school buildings in the Town of Bunkerville, Lincoln County, Nevada.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of providing funds for the completion of a school house, in the Town of Bunkerville, County of Lincoln, the Board of School Trustees of Bunkerville School District Number Ten, County of Lincoln, are hereby authorized and required to issue bonds in the name of said School District Number Ten in a sum not exceeding two thousand (\$2,000) dollars, gold coin of the United States, and to pledge the good faith and credit of said School District for the payment of both principal and interest of the same. Such bonds shall be known as Bunkerville School House Bonds. The said School Trustees shall cause the bonds to be prepared and ready for use on the tenth day of May, nineteen hundred and five; said bonds shall be of the denomination of fifty and one hundred dollars each, and shall each purport and state upon the face thereof that Bunkerville School District Number Ten, in Lincoln County, State of Nevada, is indebted to the holder, in gold coin of the United

Bunkerville
School
House bonds
in sum of
\$2,000.

Interest not over 7 per cent.

States, in the sum therein stated, with interest at a rate not exceeding seven per centum per annum from and after the date of issuance, interest payable annually on the tenth day of May, nineteen hundred and six, and each year thereafter, said interest to be paid at the office of the County Treasurer of said county. None of said bonds shall run for a longer period than seven years.

Not to run more than seven years.

Bunkerville District School Building Fund.

SEC. 2. When the bonds herein provided for are so prepared and ready for issuance, the said Board of School Trustees shall cause the same to be sold at a price not less than their par value, and the proceeds arising from the sale thereof shall be paid into the treasury of Lincoln County. The County Treasurer is hereby required to receive and safely keep the same in a fund to be known as "Bunkerville District School Building Fund," and to be paid out only for the purposes herein stated, on claims therefor, duly verified, which shall be allowed and ordered paid by the said Board of School Trustees, certified to and further allowed and ordered paid by the Board of County Commissioners of said county, and duly audited by the County Auditor and upon his warrants drawn therefor upon said funds.

Shall keep a register of all bonds issued.

SEC. 3. Said Board of School Trustees shall keep a register of all bonds issued under the provisions of this Act, and shall note therein the number, date, amount and maturity of each. The Auditor and Treasurer of said county shall each keep a similar register. All of said bonds shall be signed by the Chairman and Clerk of said Trustees and countersigned by the Treasurer and Auditor of said county, with the seal of the said Auditor impressed thereon; and shall have attached thereto coupons for the payment of each installment of interest, which shall be numbered and shall respectively express the amount of interest due when payable, and shall be signed and stated in the same manner and by the same officers as herein provided for the signing and sealing of said bonds.

Payment of principal.

SEC. 4. One-half of the principal of such bonds which may be issued under authority of this Act, shall be due and payable on the tenth day of May, nineteen hundred and nine, and the other half shall be due and payable on the tenth day of May, nineteen hundred and twelve, and the whole thereof shall be paid at the office of the County Treasurer of said county.

Payment of annual interest.

SEC. 5. For the purpose of providing for the payment of the annual interest upon the bonds issued under this Act, there shall be levied upon and collected from all of the property of said school district, including the net proceeds of mines, for the year nineteen hundred and five and each year thereafter until and including the year nineteen hundred and eleven, such special tax as in the judgment of the Board of County Commissioners of said county will produce a sufficient amount of money necessary to pay the interest on said bonds,

as herein provided; and the money collected and received from such tax shall be paid into the county treasury, and kept by the Treasurer, in a fund to be known as Bunkerville District Interest Fund, and the moneys in said fund, or so much thereof as may be necessary, shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due upon presentation and surrender, by the holder of the bonds and coupons therefor; the surplus, if there be any, shall annually be placed in a fund for the redemption and payment of the principal sum of said bonds when due, which shall be known as Bunkerville Public School Bond Fund.

Bunkerville
District
Interest
Fund.

SEC. 6. When interest shall be paid upon said bonds the coupon or coupons representing the same, as hereinbefore provided, shall be separated from the bond or bonds, delivered to and canceled by the County Treasurer, who shall thereby return the same and make a note thereof on the register of bonds kept by him in his office.

Coupons
canceled.

SEC. 7. To provide for the payment of one-half of the principal of said bonds to become due on the tenth day of May, nineteen hundred and nine, a special tax in addition to the said special tax to pay interest on said bonds, for the year nineteen hundred and five and each year thereafter to and including the year nineteen hundred and eight, there shall be levied upon and collected from all the property in said school district including the net proceeds of mines, a special tax sufficient to produce the amount of money necessary to pay the said one-half of the principal of said bonds to become due on said tenth day of May, nineteen hundred and nine. The money collected and received from such tax shall be paid into the county treasury and placed in said Bunkerville Public School Bond Fund, and shall be applied to the payment of said one-half of the principal of said bonds, to become due on the tenth day of May, nineteen hundred and nine, and said bonds shall be paid when due upon surrender, by the holders thereof, to the County Treasurer, who shall cancel the same by writing across the face thereof the word "paid" and the date of payment, together with his signature.

Treasurer to
cancel.

SEC. 8. For the year nineteen hundred and nine, and each year thereafter to and including the year nineteen hundred and eleven, there shall be levied and collected from all of the property in said school district, including the net proceeds of mines therein (in addition to the special tax to pay interest on said bonds) a special tax sufficient to produce an amount of money necessary to pay the remaining one-half of the principal of said bonds to become due on the tenth day of May, nineteen hundred and twelve, and the money arising therefrom shall be paid into the county treasury and placed in said Bunkerville Public School Bond Fund and applied to the payment of said remaining one-half of the principal of

For payment
of remainder
of bonds.

said bonds, and when paid said bonds shall be surrendered and canceled as hereinbefore provided.

Treasurer to preserve. SEC. 9. Whenever any coupons or bonds shall be paid and canceled as herein provided, the Treasurer shall safely keep them until delivered by him to the Auditor as legally required.

Taxes, how collected and paid. SEC. 10. All taxes required by this Act to be levied, assessed, collected and paid into the county treasury of said Lincoln County shall be levied, assessed, collected and paid into said treasury at the same time, and in the same manner and by the same officers as State and county taxes are levied, assessed, collected and paid into said county treasury, and no additional allowance, fees or compensation whatever shall be paid to any officer for carrying out the provisions of this Act.

CHAP. CXL.—*An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Nevada, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Nevada," approved March 16, 1895.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Unlawful to practice dentistry without license. SECTION 1. It shall be unlawful for any person to engage in the practice of dentistry in the State of Nevada unless said person shall have obtained a license from a Board of Dental Examiners, duly authorized and appointed under the provisions of this Act to issue licenses; *provided*, that this Act shall not affect the right under the laws of the State of Nevada, of dentists to practice dentistry who have lawful right to practice dentistry at the time of the passage of this Act.

Proviso. SEC. 2. A Board of Dental Examiners to consist of five (5) reputable and ethical practicing dentists is hereby created, to be known as the Board of Dental Examiners of Nevada, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of this Board shall be appointed by the Governor of Nevada, all of whom shall have been actively and legally engaged in the practice of dentistry in the State of Nevada, for at least one year next preceding the date of their appointment, and none of whom shall be members of the faculty of any dental college or dental department of any medical college in the State of Nevada, or shall have any financial interest in any such

Board of Dental Examiners.

Governor to appoint.

college. The said five (5) shall compose the Board of Dental Examiners of Nevada. The term for which the members of said Board shall hold office shall be four (4) years, except that two of the members of the Board first to be appointed under this Act shall hold their term of office for the term of one year, two for the term of two years, and one for the term of three years, and until their successors are duly appointed and qualified. In case a vacancy occurs in the membership of said Board, such vacancy shall be filled by appointment by the Governor, within thirty (30) days after such vacancy occurs.

SEC. 3. It shall be the power and duty of said Board to organize by the election of one of its members President, another Secretary, and another Treasurer; to meet at least twice a year, at such time and place as the Board may designate, for the purpose of transacting the business of the Board, and at such other times as the Board may elect, or on the call of the President of the Board, or of not less than three (3) members thereof; a written notice of the time, place, and object of such called meeting to be mailed by the Secretary of said Board to all the members thereof not parties to the call, at least fifteen (15) days before the day of meeting; to examine all applicants for licenses to practice dentistry according to the provisions of this Act; to collect and apply all fees as directed by this Act; to keep a book showing the names of all persons to whom licenses have been granted by said Board to practice dentistry, and such other books as may be necessary to plainly show all the acts and proceedings of said Board; to have and to use a seal bearing the name "Nevada State Board of Dental Examiners."

SEC. 4. Out of the funds coming into the possession of the Board, each member of said Board may receive as compensation five dollars (\$5) for each day actually spent in attending to the duties of his office, and traveling expenses going to and coming from the meetings of the Board. Said expenses shall be paid from the fees and fines received by the Board under the provisions of this Act, and no part of the salary or other expenses of the Board shall ever be paid out of the State Treasury.

SEC. 5. Each member of the Board shall, upon his qualifications and the organization of the Board, file with the Secretary his postoffice address, and thereafter any notice of any change therein. Any notice sent to the address so on file shall be deemed to comply with the requirements of this Act as to notice to them.

SEC. 6. The Governor shall have the power to remove from office at any time, any member of the Board for continued neglect of duty required by this Act, or for incompetency, unprofessional or dishonorable conduct.

SEC. 7. Said Board shall examine all applicants for examination who shall furnish satisfactory evidence of having

Term of office.

Organization of Board.

Called meeting.

To examine all applicants for license, etc.

To have and use seal.

Compensation of members.

Each member to file postoffice address.

Power to remove from office.

Board shall examine all applicants.

complied with the provisions of this Act, relating to qualification for examination, and all persons satisfactorily passing such examinations shall be granted by said Board a license to practice dentistry in the State of Nevada. The examination of applicants shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall include, written in the English language, questions on the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and prosthetic dentistry, hygiene and dental jurisprudence. The answers to which shall be written or oral in the English language. Demonstrations of the applicant's skill in operative and prosthetic dentistry must also be given. All persons successfully passing such examinations shall be registered as licensed dentists on the Board register, as provided in section three, and shall also receive a certificate of such registration; said certificate to be signed by the President and Secretary of said Board. In no case shall any applicant be examined or given a certificate who is not twenty-one years of age.

What examination shall include.

Must be registered.

Applicant must be 21 years of age.

Certificate to be registered with County Clerk

Failure shall work forfeiture.

Penalty.

Must furnish satisfactory evidence.

SEC. 8. Any person who shall receive a certificate of qualification from said Board shall cause his or her certificate to be registered with the County Clerk of any county or counties in which such person may desire to engage in the practice of dentistry, and the County Clerks of the several counties in this State shall charge for registering such certificate a fee of twenty-five cents for such registration. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the County Clerk as above directed for a period of six months shall work a forfeiture of the certificate, and no certificate, when once forfeited, shall be restored, except upon the payment to the said Board of Examiners of the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

SEC. 9. No person shall be eligible for examination by the State Board of Dental Examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental college, which must have been endorsed by the Board of Dental Examiners of Nevada; or who shall not have graduated from a high school or similar institution of learning, in this or some other State of the United States, requiring a three years' course of study, and who cannot furnish to the Board of Dental Examiners an affidavit, containing his or her name, the name of his or her preceptor, and the names of at least two reputable witnesses, certified to in the State of Nevada before a Notary Public, showing that he or she has completed an apprenticeship of four years of twelve months each, with a licensed practitioner of dentistry, in the State of Nevada, or cannot furnish to said Board of Examiners a certificate from the State Board of Dental Examiners, or

similar body, of some other State in the United States, showing that he or she has been a licensed practitioner of dentistry in that State for at least five (5) years.

SEC. 10. From and after the passage of this Act any and all persons desiring to enter upon the practice of dentistry in the State of Nevada, without graduating from a reputable college in the United States, or producing satisfactory evidence of having been a licensed practitioner of dentistry in some other State for at least five years, must file with the Board of Dental Examiners an affidavit, certified to before a Notary Public of the State of Nevada of his intention to begin an apprenticeship with a licensed practitioner of dentistry in this State, and the said affidavit must certify that the affiant has regularly graduated from a high school or similar institution of learning in the United States, as provided in section twelve of this Act, and contain in full the names of both affiant and his proposed preceptor and the names of two reputable witnesses, together with the date of beginning of his proposed term of apprenticeship; and the Board of Dental Examiners shall issue to affiant a receipt for the same.

Affidavit of intention to begin an apprenticeship.

What said affidavit shall certify and contain.

SEC. 11. Every person applying to the Board of Dental Examiners for a license to practice dentistry shall pay to the Board a fee of twenty-five (\$25) dollars, which shall in no case be refunded. Every licensed dentist shall, on or before the first day of May of each year, except the one in which he is licensed, pay to the Secretary of the Board of Dental Examiners a fee of two (\$2) dollars, which shall be used exclusively for the prosecution of violators of this Act and for expenses of collecting said fee. The year for which a fee shall be paid shall begin the July first following the May when it becomes due and end the succeeding June thirtieth. The Board may reduce or remit altogether said fee for any year, but such reduction or remission must be made alike to all, liable to pay the same. In case any person defaults in paying said fee, his license may be revoked by the Board of Dental Examiners on thirty days' notice in writing from the Secretary, unless within said time said fee is paid, together with such penalty not exceeding ten (\$10) dollars, as the Board may impose. Upon payment of said fee and penalty the Board shall reinstate the delinquent's license. On or before the first day of July of each year the Secretary of the Board shall send to the County Clerk of each county in the State a certified list of all practicing dentists therein who have paid said fee, and the Clerk shall enter or paste the same in the register of dentists. Necessary expenses, per diem compensation and mileage of the members of the Board incurred while in attendance on meetings not for prosecuting violators of this Act shall be paid out of the other fees and fines provided for in this Act. All moneys received under this Act shall be deposited in some reliable bank in the name of the Board, and shall be with-

Applicants must pay fee of \$25.

Licensed dentists shall pay annual fee of \$2.

May reduce or remit said fee.

License may be revoked for non-payment of fee.

Secretary must furnish County Clerks with list of practicing dentists.

Expenses, how paid.

Money may be deposited in bank.

drawn only on the joint check of the President and the Secretary of the Board.

Who shall be understood to be practicing dentistry.

Proviso.

Unlicensed persons cannot perform operations.

Misdemeanor and penalty.

Offenses specified.

SEC. 12. Any and all persons shall be understood to be practicing dentistry within the meaning of this Act who shall for a fee, salary, or reward, paid directly or indirectly, either to himself or to some other person, perform operations of any kind upon, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof, or display a sign, or in any way advertise himself as a dentist; but nothing in this Act contained shall prohibit *bona fide* students of dentistry from operating in the clinical departments or the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory; or the student of a licentiate from assisting his preceptor in dental operations while in the presence of and under the personal supervision of his instructor; or a duly licensed physician from treating diseases of the mouth, or performing operations in oral surgery. But nothing in the provisions of this Act shall be construed to permit the performance of dental operations by any unlicensed persons under cover of the name of a regular practitioner of dentistry.

SEC. 13. Any person, company or association shall be guilty of a misdemeanor and upon conviction thereof shall be punishable with a fine of not less than fifty (\$50) dollars or more than five hundred (\$500) dollars, or by imprisonment for not less than five (5) days nor more than six (6) months in the county jail, or by both fine and imprisonment, who

1. Shall sell or barter, or offer to sell or barter, any diploma or document, conferring or purporting to confer any dental degree, or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of dentists; or

2. Shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or

3. Shall, with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or

4. Shall use or attempt to use any such diploma, certificate, or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist; or

5. Shall practice dentistry under a false or assumed name; or

6. Shall assume the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine," or shall append the letters "D.D.S." or "D.M.D." to his or her name, not having duly conferred upon him or her, by diploma from a recognized dental college or school legally empowered to confer the same,

the right to assume said title; or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a dental degree or license; or

7. Shall in an affidavit, required of an applicant for examination, license, or registration, under this Act, wilfully make a false statement in a material regard; or

8. Shall engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his or her office the name of each and every person employed in the practice of dentistry therein, together with the word mechanic or apprentice after the name of each unlicensed person employed; or

9. Shall within ten days after demand, made by the Secretary of the Board, fail to furnish to said Board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association, and said employee are and have been practicing dentistry, but said affidavit shall not be used as evidence against such person, company or association in any proceeding under this section; or

10. Is practicing dentistry in the State without a license, or whose license has been revoked or suspended.

SEC. 14. It is hereby further provided that the conferring of degrees and the bestowing of diplomas, by reputable dental colleges of this State, who have been endorsed by the Board of Dental Examiners of Nevada, and are members of the National Association of Dental Faculties, are not included in the foregoing penalties, nor shall their rights and prerogative ever be abridged in any manner whatsoever.

SEC. 15. All fines, penalties, or forfeitures, not including the examination fee, imposed or collected for the violation of any of the foregoing provisions of this Act, unless otherwise specified, shall be paid as follows: One-half into the Common School Fund in the county in which the prosecution is had, and one-half to the Treasurer of this Board, to be turned into the regular funds of this Board, and it shall be the duty of the County Treasurer of each county, upon the receipt by him of any such fines, penalties or forfeitures, to forthwith pay over the same one-half to the Treasurer of this Board. Said Board, or any member or officer thereof, may prefer a complaint for violation of the law regulating the practice of dentistry, before any court of competent jurisdiction, and may by its officers, counsel, and agents, and in presenting the law or facts before said court, in any proceeding taken thereon; and it shall be the duty of the District Attorney of each county of this State to prosecute all

Offenses
specified.

Not to be
abridged.

Fines, penali-
ties and
forfeitures,
now paid.

May prefer
complaint.

Duty of
District
Attorney.

violations of the aforesaid provisions of this Act in their respective counties in which such violation occurs.

SEC. 16. The members of the Board of Dental Examiners shall make an annual report of its proceedings to the Governor of Nevada by the first of December of each year, together with an account of all moneys received and disbursed by them, pursuant to this Act.

SEC. 17. Three members of said Board of Dental Examiners shall constitute a quorum for the transaction of business at any meeting of the Board.

SEC. 18. Nothing in this Act shall be so construed as to interfere with the rights and privileges of physicians and surgeons in the discharge of their duties.

SEC. 19. This Act shall take effect immediately, and all laws in conflict with this Act are hereby repealed.

Shall report
to the
Governor.

Quorum.

Exception.

Take effect.

CHAP. CXLI.—*An Act reapportioning Senators and Assemblymen of the several counties to the Legislature of the State of Nevada.*

[Approved March 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Apportion-
ment of
Senators and
Assembly-
men.

SECTION 1. The apportionment of Senators and Assemblymen in the several counties of this State shall be as follows:

Churchill County, one Senator and one Assemblyman.

Douglas County, one Senator and one Assemblyman.

Elko County, two Senators and four Assemblymen.

Esmeralda County, one Senator and three Assemblymen.

Eureka County, one Senator and two Assemblymen.

Humboldt County, two Senators and three Assemblymen.

Lander County, one Senator and two Assemblymen.

Lincoln County, one Senator and three Assemblymen.

Lyon County, one Senator and two Assemblymen.

Nye County, one Senator and three Assemblymen.

Ormsby County, one Senator and three Assemblymen.

Storey County, one Senator and four Assemblymen.

Washoe County, two Senators and seven Assemblymen.

White Pine County, one Senator and two Assemblymen.

SEC. 2. Nothing in this Act shall be construed so as to affect the term of office of Senators and Assemblymen now in office.

CHAP. CXLI.—*An Act relating to personal injuries and compensation therefor; providing where actions shall be brought; and other matters relating thereto.*

[Approved March 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury shall be liable to the person injured for damages; and where the person causing such injury is employed by another person or corporation responsible for his conduct, such person or corporation so responsible shall be liable to the person injured for damages. Shall be liable for damages.

SEC. 2. Such liability, however, where not discharged by agreement and settlement shall exist only in so far as the same shall be ascertained and adjudged by a State or Federal Court of competent jurisdiction in this State in an action brought for that purpose by the person injured. To be adjudged by State or Federal Court.

SEC. 3. This Act shall take effect and be in force from and after its passage. Effect.

SEC. 4. All Acts and parts of Acts and laws in conflict with this Act are hereby repealed. Repeal.

CHAP. CXLIII.—*An Act fixing the salaries and compensation of the County Clerk and District Attorney of White Pine County, Nevada, taking effect upon the passage and approval hereof and continuing in effect up to the first Monday in January, 1907.*

[Approved March 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of White Pine County, as ex officio Clerk of the Court and ex officio Clerk of the Board of County Commissioners, shall receive an annual salary of six hundred (\$600) dollars, and shall retain as his own, for all services rendered by him in his official capacity for any person, company, corporation, State or county other than the State of Nevada and the County of White Pine, such fees as are now or may hereafter be provided by law. The District Attorney, as ex officio County Superintendent of Schools and ex officio Public Administrator, shall receive an annual salary of one thousand (\$1,000) dollars, and shall retain as his own, for all services rendered by him in his official capacity for any person, company, corporation, State Salaries of County Clerk and District Attorney of White Pine County.

or county other than the State of Nevada and the County of White Pine, such fees as now are or hereafter may be provided by law.

To take effect. SEC. 2. This Act shall take effect immediately upon its passage and approval and shall continue in force up to and until the first Monday in January, one thousand nine hundred and seven, on which day and year it shall stand repealed.

CHAP. CXLIV.—*An Act to amend an Act entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865.*

[Approved March 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. Section twenty of an Act entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865, is hereby amended so as to read as follows:

Right of way, 100 feet in width, granted over State lands.

Section 20. The right of way is hereby given and granted to all railroad companies that are now organized, or may be organized under the provisions of this Act, or under the laws of any other State or Territory or under any Act of Congress, to locate, construct, and maintain their roads, or any part or parcel thereof, over and through any of the swamp or overflowed lands belonging to this State, or any other public lands which are now or may be the property of the State, at the time of constructing said railroad; and the said railroad companies are hereby authorized to survey and mark through the said lands of the State, to be held by them for the track of their respective railroads, one hundred feet in width, for the whole length the said roads may be located over the lands of the State; and in cases where deep excavations, or heavy embankments, or other cuttings or structures whatever, or ditches, drains, canals, culverts, or other structures to protect the roadbed, and to facilitate the use and enjoyment of the same, is or may be required for the grade or other uses of said roads, then at such places a greater width may be taken by such company, and which is hereby given, not exceeding two hundred feet wide; and the right is hereby further given and granted to said companies, to locate, occupy, and hold all necessary sites and grounds for watering places, depots, or other buildings, for the convenient use of the same, along the line of said road or roads, so far as the places convenient for the same may fall upon the lands belonging to the State, except within the limits of any incorporated city or town, or within three miles where the same

Greater width, not exceeding 200 feet, in certain places.

Exception as to incorporated cities or towns.

shall be taken, on paying to the State the value of the same; *and provided*, no one depot, watering place, machine or workshop, or other buildings for the convenient use of such roads, shall cover over two square acres each, and that said sites or places on the lands of this State shall not be nearer to each other than five miles along the line of said roads. The right is hereby further given and granted to said companies to take from any of the lands belonging to this State all such materials of earth, wood, stone, or other materials whatever, as may be necessary or convenient, from time to time, for the first construction or equipment of said road or roads, or any part thereof; *provided*, that the grants herein made, as well as the use of the land of this State as for the materials for the construction and equipment of said road or roads, shall cease and determine as respects such particular road, which shall not have been begun and completed within the times limited in section thirty-nine of this Act; *and provided further*, that if any road, at any time after its location, shall be discontinued or abandoned by said company or companies, or the location of any part thereof be so changed as not to cover the lands of the State thus previously occupied, then the lands so abandoned or left shall revert to this State; *and provided further*, that when the location of the route of either of said railroads, or sites or places for depots, watering places, machine or workshops, or other buildings for the convenient use of the same, shall be selected, the secretary of said company shall transmit to the Surveyor-General, and to the Controller of the State, and to the Recorder of the county in which the lands so selected are situated, to each of said officers, a correct plot of the location of said railroad, or sites or places, before such selection shall become operative. And when any such company shall, for its purposes aforesaid, require any of the lands belonging to any of the counties, cities, or towns in this State, the county, city, and town officers respectively, having charge of such lands, may grant and convey such land to such company, for a compensation which shall be agreed upon between them, or may donate and convey the same without any compensation; and if they shall not agree upon the sale and price, the same may be taken by the company as is provided in other cases of taking lands by the provisions of this Act; *provided, however*, that before any corporation incorporated or organized otherwise than under the laws of this State, shall be entitled to any of the rights granted by this Act, it shall file in the office of the County Recorder of each county in which the said railroad, or any part, extension or branch thereof shall be situate, a copy of its certificate or articles of incorporation, or of the Act or law by which it was created, with the certified list of its officers, in the manner and form required of [by] section one of an Act of the Legislature of the State of Nevada entitled "An Act to amend an Act entitled 'An Act to require foreign

Provisos.

Right
granted to
use earth,
wood, stone,
etc.Proviso as
to aban-
doned lands.To transmit
plots of sites
to Surveyor-
General and
County
Recorder.County and
city officers
may donate
or sell lands.Must file
articles of
incorpo-
ration in
counties
road runs
through.

corporations to furnish evidence of their incorporation and corporate name,' approved March 3, 1869," approved January 30, 1877.

CHAP. CXLV.—*An Act appropriating the sum of \$484.90 for deficiencies for the year 1904.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Appropriation
of
\$484.90 for
deficiencies.

SECTION 1. The sum of four hundred eighty-four dollars and ninety cents (\$484.90) is hereby appropriated out of any moneys in the General Fund for the payment of deficiencies for the year 1904, as follows: The Henderson Banking Company, \$200; Farmers and Merchants National Bank, \$150; The Eureka County Bank, at Elko, \$50; Sunset Telephone and Telegraph Company, \$18.20; Frank Bros. Co., \$11.50; Geo. S. Brown, \$38.60; Geo. S. Brown, \$16.60.

Duties of
Controller
and
Treasurer.

SEC. 2. The State Controller is hereby directed to draw his warrant for the persons and companies above named for the several amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. CXLVI.—*An Act authorizing the Sheriff of Washoe County to appoint a jailer and providing compensation therefor.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Jailer for
Washoe
County.
Salary.

Repeal.

SECTION 1. The Sheriff of Washoe County is hereby authorized to appoint a jailer for the Washoe County jail, and for his duties he shall be allowed and paid the sum of seventy-five dollars (\$75) per month.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAP. CXLVII.—*An Act to amend an Act entitled "An Act to provide for the education of the deaf and dumb and the blind of the State of Nevada," approved March 2, 1869.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Superintendent of Public Instruction is authorized to make arrangements with the directors of any institution for the deaf and dumb and the blind, in the State of California, for the admission, support, education and care of the deaf and dumb and the blind of this State, and for that purpose is hereby empowered to make all needful contracts and agreements with said directors to carry out the provisions of this Act.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. Upon the application under oath of a parent, relative, guardian or nearest friend of any deaf, dumb, or blind person, resident of this State, setting forth that by reason of deafness, dumbness, or blindness, such person is disqualified from being taught by the ordinary process of instruction or education, and that such parent, relative, guardian or nearest friend is unable to pay for his or her support, education and instruction in the aforesaid institution, and file the same with the Board of County Commissioners of the proper county, and such Board shall be satisfied of the truth thereof, and such Board shall have made application to the Superintendent of Public Instruction for that purpose, it shall be the duty of the Superintendent of Public Instruction to issue a certificate to that effect, which certificate being produced, shall be the authority of the directors of the institution aforesaid for receiving such deaf and dumb or blind person.

SEC. 3. Section four of said Act is hereby amended so as to read as follows:

Section 4. All deaf and dumb or blind persons that are not mentally or physically incapacitated to receive an education or instruction, that are free from offensive or contagious diseases, and are unable to pay for their support, education and instruction in the aforesaid institution, and whose parent, relative, guardian or nearest friend is unable to pay for his or her support, education and instruction in the aforesaid institution, shall be entitled to the benefits intended by this Act, and it is hereby made the duty of the Board of County Commissioners of such county to make provisions, at the expense of the county carrying such person to the office of the Superintendent of Public Instruction, who shall make necessary arrangements for carrying the person to the institution of instruction before mentioned, at the expense of the State, payable out of the fund provided by this Act. All deaf, dumb or blind persons over the age of twenty-one years seeking admission into the aforesaid institution shall, before making application under this Act, have been actual, *bona fide* residents of the State of Nevada for the period of five years preceding the date of making such application.

Providing for
education of
deaf, dumb,
and blind
at any
California
institution.

Application,
how made.

Superin-
tendent of
Public
Instruction
to issue
certificate.

Persons
entitled to
benefit of
this Act.

Adults must
be residents
for five
years.

CHAP. CXLVIII.—An Act to amend section one of an Act requiring compensation for causing death by wrongful acts, neglect or default, approved February 28, 1871; providing where actions shall be brought; and other matters relating thereto.

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amending paragraph 3983, Compiled Laws.

SECTION 1. That Section 1 of an Act requiring compensation for causing death by wrongful acts, neglect or default, approved February 28, 1871, Compiled Laws of Nevada, paragraph 3983, be and the same is hereby amended so as to read as follows:

Liability for death by wrongful act.

3983. Section 1. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof then, and in every such case, the persons who, or the corporations which would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured; and although the death shall have been caused under such circumstances as amount in law to a felony. Such liability, however, where not discharged by agreement and settlement shall exist only in so far as the same shall be ascertained and adjudged by a State or Federal Court of competent jurisdiction in this State in an action brought for that purpose. If the person or corporation against whom damages are claimed cannot be duly served with process in this State, the action to ascertain and adjudge liability for such damages may be brought and prosecuted in any court of competent jurisdiction in any State or Territory where such person or corporation is found and duly served with process thereof.

Liability adjudged by State or Federal Court.

SEC. 2. This Act shall take effect and be in force from and after its passage.

In effect.

SEC. 3. All Acts and parts of Acts and laws in conflict with this Act are hereby repealed.

Repeal.

CHAP. CXLIX.—An Act to amend sections two and eight of an Act entitled "An Act to provide for constructing and maintaining toll roads and bridges in the State of Nevada," approved March 8, 1865.

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Toll roads.

SECTION 1. Section two of the Act of which this Act is amendatory is hereby amended so as to read as follows:

Section 2. On complying with the provisions of the preceding section, said person or persons shall have the right to construct, complete and maintain a toll road over the route and between the termini mentioned in such certificate, and establish and collect such rates of toll thereon, as he or they may deem proper for the term of twenty years; *provided*, that after the expiration of ten years from the time of the commencement of taking tolls on any such road, the county or counties in which it is located shall have the right to purchase any such road, at an appraised value, to be determined by five appraisers, to be selected as follows: Two by the owner or owners, two by the County Commissioners of any county in which said road is located wishing to purchase the same, and one by the four appraisers hereinbefore provided for, and their valuation shall be deemed the true value of the road. The rates of toll so established shall be written, painted, or printed, in a plain and legible manner, on a bulletin board, to be posted at each toll gate on such road; and if any person, who shall construct any toll road under the provisions of this Act, or who shall own any interest in any road so constructed, shall demand or collect any higher or greater rates of toll than those specified on said bulletin board, he shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall, for each offense, be punished by fine in any sum not exceeding one hundred dollars, and in default of payment of such fine, may in the discretion of the Court, be committed to the county jail until such fine be paid. One-half of all fines so collected shall go to the informer or prosecutor, and one-half to the School Fund of the county; but in no case shall the county be responsible for the costs in any such prosecution.

SEC. 2. Section eight of the Act of which this Act is amendatory is hereby amended so as to read as follows:

Section 8. Whenever any ten taxpayers in any county through which a road is located and constructed under the provisions of this law, are convinced that tolls charged on said road are unreasonably high, they shall have the right to petition to the Board of County Commissioners to have said rate reduced, which petition shall be accompanied by an affidavit setting forth wherein said rates of toll should be reduced, and thereupon the County Commissioners shall immediately notify the owners of the road so complained of, who shall select three men to act with three County Commissioners, and the six shall select a seventh man, and the seven so selected shall have power to fix the rates of toll to be charged on any road thus complained of, which rates shall not be reduced for a period of ten years thereafter, unless at the option of the owners thereof. At the expiration of ten years, as mentioned in section one of this Act, the county or counties through which said road or roads are located, shall have the right to purchase the same; the price and mode of payment to be

Right to
construct
and
maintain.

Proviso.

Value, how
ascertained.

Rates to be
posted.

Extortion-
ate rates
prohibited.

Misde-
moran.

Penalty.

Rates, how
reduced.

County may
purchase
road.

Proviso.

fixed by a Board of Referees, composed of the same number and selected in the same manner as mentioned in section two of this Act; *provided, however,* that should no complaint be made of too high rates of toll, the said county or counties shall have the right to purchase as aforesaid, ten years from the date of the completion thereof.

CHAP. CL.—*An Act prohibiting blacklisting and prescribing penalties for violation thereof.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Blacklisting prohibited.

SECTION 1. No corporation, company, organization, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer discharged by such corporation, company, organization, or individual with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, organization, or individual.

Misde-monor.

SEC. 2. If any officer or agent of any corporation, company, organization, or individual, or other person, shall blacklist or publish or cause to be blacklisted or published any employee, mechanic or laborer discharged by such corporation, company, organization, or individual, with the intent and for the purpose of preventing such employee, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company, organization, or individual, or shall in any manner conspire or contrive by correspondence or otherwise, to prevent such discharged employee from procuring employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty, nor more than two hundred and fifty dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, or both.

Penalty.

SEC. 3. But this Act shall not be construed as prohibiting any corporation, company, organization or individual, from giving in writing, on application from such discharged employee, or any corporation, company, organization or individual who may desire to employ such discharged employee, a truthful statement of the reason for such discharge; *provided,* that said written cause of discharge, when so made by such person, agent, company, organization or corporation shall not be used as the cause for an action for libel, either civil or criminal, against the person, agent, company, organization or corporation so furnishing the same.

Employer may give discharged employee written reasons for discharge.

Proviso.

CHAP. CLI.—An Act to provide for the sinking, boring and development of wells in Southern Nevada.

[Approved March 24, 1905.]

WHEREAS, The mineral development of Southern Nevada ^{Wells in} _{Southern} _{Nevada.} is of the utmost importance to the welfare of the entire State; and

WHEREAS, The absence of a natural water supply makes it a work of extreme difficulty to prospect for the precious metals and develop mines of the same in said section of the State; and

WHEREAS, The work of providing an adequate supply of water to meet the requirements of prospectors in their search for the precious metals in the section named cannot be left entirely to the enterprise of private individuals without greatly retarding the progress of the State; therefore

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION. 1. The sum of four thousand five hundred dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the sinking, boring and development of wells in the Counties of Esmeralda, Nye, Lincoln, Eureka, Lander, and White Pine, to be expended under the direction of the County Commissioners of said counties. Appropriation of \$4,500 for sinking wells.

SEC. 2. Of said sum, not more than one thousand dollars shall be expended in the County of Esmeralda; not more than one thousand dollars in the County of Nye; not more than one thousand dollars in the County of Lincoln; not more than five hundred dollars in the County of Eureka; not more than five hundred dollars in the County of Lander; and not more than five hundred dollars in the County of White Pine. Apportioned to Esmeralda, Nye, Lincoln, Eureka, Lander and White Pine Counties.

SEC. 3. It is hereby made the duty of the Boards of County Commissioners of the counties named, as soon as practicable after the passage of this Act, to cause wells to be bored, sunk and developed within their respective counties at such points where water is likely to be found, as will best subserve the interests and needs of prospectors, miners, freighters, stage lines, and travelers generally. Duties of County Commissioners.

SEC. 4. All wells sunk, bored, or developed under the provisions of this Act shall be the property of the counties in which they are situate for the purpose of protection and care, and for the public use, but subject to the paramount ownership of the soil in the United States in the case of public lands, and subject in like manner to the vested rights of individuals. To be county property, and for public use.

SEC. 5. All claims by counties for moneys expended under the provisions of this Act shall be certified by the Chairman and Clerk of the Board of Commissioners of the proper county, and forwarded to the State Board of Examiners, which Board shall pass upon and allow the claims in Claims, how paid.

Proviso.

the manner provided for the allowance of other claims against the State. Whenever any such claims shall have been allowed by the State Board of Examiners, the State Controller shall draw his warrant upon the State Treasurer for the amount in favor of the Treasurer of the county presenting such claim; *provided*, that no claim shall be paid under the provisions of this Act for the sinking or boring of any well which shall not develop a supply of at least four barrels per day, which fact shall be duly certified in said claim.

CHAP. CLII.—*An Act to authorize the Board of County Commissioners of Humboldt County to issue bonds for the purpose of creating a fund for the purchase of lands and erection thereon suitable buildings for the care of the indigent of said county.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Humboldt
County
authorized
to issue
\$15,000 in
bonds.

Proviso for
election.

Ballot.

Denomina-
tion of bonds.

Annual
interest not
over 6 per
cent.

Coupons.

SECTION 1. The Board of County Commissioners of Humboldt County, Nevada, are hereby authorized, empowered and required, within ninety days after the approval of this Act, by the people of said county to prepare and issue the bonds of said county, in the amount of fifteen thousand dollars, exclusive of interest, for the purpose of providing funds for the purchase of lands and the erection thereon of suitable buildings for the reception and care of the indigent of said county; *provided*, that this Act shall be submitted to the people of said county at the next general election and the duly qualified electors shall ratify the same by a majority vote. The Board of County Commissioners to prepare the manner and form of ballot but in the main to conform to the proposition thus: "For the issuance of bonds—Yes." "For the issuance of bonds—No." The result of the vote to be declared in the same manner and form and at the same time as other election returns are canvassed and proclaimed.

SEC. 2. The bonds authorized under the provisions of section one of this Act shall be issued in the sum of one thousand dollars each, shall bear interest at the rate of six per cent per annum; said bonds shall be numbered from one to fifteen, inclusive, and shall be signed by the Chairman of the Board, countersigned by the County Treasurer and authenticated with the seal of the county. Coupons for interest shall be attached to each bond so that the same may be removed without injury to the bond, and each of such coupons shall be consecutively numbered and signed by the Chairman of said Board and the County Treasurer.

SEC. 3. The Clerk of the Board of County Commissioners

shall keep a record of all proceedings under the provisions of this Act, showing the number and date of each bond and to whom issued. Clerk to keep record.

SEC. 4. The Board of County Commissioners of Humboldt County are hereby authorized to negotiate the sale of said bonds, by advertising for sealed proposals, or by private sales as they may deem for the best interest of the county; provided, that no bonds shall be sold for less than their par value, that the bonds shall be made for gold coin of the United States, and the interest thereon shall be payable in like gold coin. Commissioners to advertise for buyers. Proviso.

SEC. 5. Said bonds together with the interest thereon shall be payable annually on the first Monday of January of each year, at the office of the County Treasurer of said Humboldt County. Bonds and interest payable annually.

SEC. 6. On the first Monday of January succeeding the approval of this Act, and annually thereafter, one of said bonds, together with the interest thereon, shall be paid and redeemed by the County Treasurer of Humboldt County. The payment and redemption of said bonds shall be in the order of their issuance, the lowest numbered bond to be the first paid and redeemed, and so on until the whole amount of bonds issued under the provisions of this Act shall have been paid and redeemed. Coupons shall be paid annually, and in no case shall any of said bonds run for a longer period than fifteen years. Mode of redemption.

SEC. 7. For the purpose of creating a fund for the payment of the bonds authorized by this Act, and the interest thereon, the Board of County Commissioners of Humboldt County are hereby authorized and required to levy and collect annually a sufficient tax on all property, both real and personal, within the boundaries of said Humboldt County, to redeem one of said bonds each year, and the payment each year of the accumulated interest on all the bonds authorized by this Act. Such tax shall be levied and collected in the same manner and at the same time as other taxes are assessed and collected, and the proceeds thereof shall be kept by the County Treasurer in a special fund to be known as the "County Indigent Bond Fund." County Indigent Bond Fund.

SEC. 8. The money received from the sale of the bonds authorized by this Act shall be kept by the County Treasurer in a special fund to be known as the "Hospital Building Fund," and shall be used only for the purchase of not to exceed eighty acres of land in Humboldt County and the erection and furnishing thereon of suitable buildings for the reception, care and comfort of the indigent of Humboldt County. Hospital Building Fund.

SEC. 9. Whenever the bonds and interest provided for in this Act shall have been fully paid, any money remaining in the "County Indigent Bond Fund" shall be transferred to the General Fund of the county. Residue transferred.

Treasurer
to cancel.

SEC. 10. Whenever the County Treasurer shall pay any bonds or coupons issued under the provisions of this Act, he shall cancel the same by writing across the face thereof "Paid," together with the date of such payment, sign his name thereto, and turn the same over to the County Auditor, taking his receipt therefor, which receipt shall be filed with the Clerk of the Board of County Commissioners and the Auditor shall credit the Treasurer on his books with the amounts so paid.

Faith of
State
pledged.

SEC. 11. The faith of the State of Nevada is hereby pledged that this Act shall not be repealed, nor taxation thereby imposed omitted until all the bonds and coupons issued under and by virtue thereof shall have been paid in full.

CHAP. CLIII.—*An Act to provide for licensing itinerant and unsettled merchants, traders, peddlers and auctioneers.*

[Approved March 24, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

License
provided for.

SECTION 1. It shall be unlawful for any itinerant or unsettled merchant, trader, peddler or auctioneer to sell or offer for sale any goods, wares or merchandise at any place in the State of Nevada, without first obtaining and paying for a license, as hereinafter provided; and all sales or contracts of sale made without such license shall be null and void.

Terms
defined.

SEC. 2. An itinerant or unsettled merchant, trader, peddler or auctioneer, within the meaning of this Act, shall include every person, firm, or corporation, selling or offering for sale any goods, wares or merchandise, which has no permanent store or other place of business at some point or points within this State, and which is not permanently located and regularly taxed therein.

Monthly
license,
\$300.

SEC. 3. Each and every itinerant and unsettled merchant, trader, auctioneer or peddler shall, before selling or offering for sale any goods, wares or merchandise within the State, procure a license for each and every county in which such person shall attempt to sell or offer for sale any goods, wares or merchandise, which license shall not be granted for more than one month and shall cost the applicant three hundred dollars (\$300).

Not to apply
to drummers,
or change
present
laws.

Proviso.

SEC. 4. This Act shall not apply to drummers and commercial travelers representing and acting for wholesale houses in this and other States so long as they do not attempt the sale of goods, wares and merchandise at retail in competition with established retail dealers, nor shall it in any sense alter or change the present existing laws governing merchants, traders, peddlers and auctioneers permanently established and doing business in this State; *provided, however,* that its

provisions shall apply to and be enforced against any peddler or auctioneer acting for or on behalf of any itinerant merchant or trader.

SEC. 5. The licenses provided for under this Act shall be issued and collected as other city and county licenses are issued and collected. The provisions of this Act shall not apply to the sale, or offering for sale, of the products of any farm, ranch or range situated within this State. Not to apply to agricultural products.

SEC. 6. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500), or imprisoned not less than ten (10) days, nor more than six (6) months. Any Sheriff who fails to enforce the provisions of this Act and exact the license required thereunder after his attention has been called by any citizen of this State to a violation or attempted violation of its provisions, shall himself be liable to prosecution and punishment under this Act. Misdemeanor. Penalty. Sheriff liable.

SEC. 7. All Acts and parts of Acts in conflict with this Repeal. Act are hereby repealed.

CHAP. CLIV.—An Act to authorize the School Trustees of School District Number Ten (10) in the Town of Reno, Washoe County, Nevada, to sell certain school property within their district, and to purchase real estate, to be used for school-house sites, and to issue bonds for school purposes, and matters relating thereto.

[Approved March 23, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of School District No. 10, in the Town of Reno, Washoe County, Nevada, are hereby authorized and empowered to issue bonds on the faith and credit of said district for a sum not exceeding twenty thousand dollars in gold coin of the United States, none of which bonds shall run for a period longer than fifteen years from the date thereof. School bonds for Reno, \$20,000. Not to run longer than 15 years.

SEC. 2. The said bonds shall be issued for amounts of one thousand dollars each, in gold coin, and shall be sold at not less than the par value thereof, and shall bear interest at a rate not to exceed five per cent per annum, payable annually; they shall be payable to bearer, and coupons calling for each installment of interest shall be attached to each bond. They shall be numbered consecutively from one to twenty, and bonds numbered one and two shall be redeemable on the 31st day of December, 1910, and two bonds shall be redeemable on the same date annually thereafter, in consecutive order, until all of said bonds, with the interest thereon, shall have been fully paid. Denomination. Two bonds redeemable annually.

New school
house, how
authorized.

SEC. 3. The Board of Trustees of said School District are hereby authorized, when in their judgment it may be advisable, to build one more school house for said district, in addition to the three now in use, and to call a school meeting for the purpose of providing means therefor. Such meeting shall be called in the manner as provided by law for calling meetings for the purpose of raising money for similar purposes in school districts, and if a majority of the persons in said district qualified to vote at said meeting shall vote to carry out the recommendations of said Board of Trustees, then the said Board shall proceed to issue the bonds provided for in section one of this Act.

Bonds and
coupons to
be signed.

SEC. 4. The bonds and coupons herein provided for shall be signed by the Chairman and Clerk of the said Board of Trustees, and they shall be countersigned by the County Treasurer of Washoe County.

School
District
No. 10
Building
Fund.

SEC. 5. All moneys received from the sale of the bonds herein provided for shall be paid into the county treasury, and the County Treasurer of Washoe County is hereby required to receive and safely keep the same in a fund to be known as School District No. 10 Building Fund, and to pay out the said money only on warrants duly signed by the said Board of Trustees, and approved by the County Superintendent of Schools of Washoe County. The County Treasurer shall be liable, on his official bond, for the safe keeping of said moneys which shall come into his hands, under the provisions of this Act, and for the faithful discharge of his duties in relation thereto.

School
District
No. 10
Interest and
Redemption
Fund.

SEC. 6. For the purpose of providing for the payment of the interest on said bonds, the Board of County Commissioners of Washoe County are hereby authorized and directed, at the time of the annual levy of taxes for State and county purposes for the year nineteen hundred and five (1905), and annually thereafter, to levy upon the property of said School District such a tax as will be required to produce the amount of money necessary to pay the interest annually due upon the bonds herein provided for. The taxes so levied shall be assessed and collected in the same manner as the assessment and collection of other taxes; shall be paid into the county treasury and kept by the Treasurer in a fund to be known as School District Number Ten (10) Interest and Redemption Fund, and the money in said fund shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same becomes due, upon presentation and surrender by the holder of the coupon therefor.

Payment of
principal.

SEC. 7. To provide for the payment of the principal of the bonds herein authorized to be issued, the said Board of County Commissioners shall in the year nineteen hundred and ten (1910), and annually thereafter, to and including the year nineteen hundred and nineteen (1919) at the time of levying taxes for State and county purposes, and in the same manner,

levy a special and additional tax upon all the property situated within said School District No. 10, sufficient to raise and provide the sum of two thousand dollars each year, which shall be assessed and collected the same as other taxes, and the same shall be paid to the County Treasurer, and by him assigned to the said School District Number Ten (10) Interest and Redemption Fund, and at the maturity of the said bonds they shall be paid by the County Treasurer out of the said fund, upon the presentation and surrender of said bonds. No interest shall be paid on said bonds after their maturity.

SEC. 8. If the tax, levied as aforesaid for the redemption of said bonds shall exceed the sum of two thousand dollars a year, whenever the aggregate amount of money so collected shall equal the full sum necessary for the redemption of all of said bonds, the tax hereby authorized for such purpose shall cease; and should there be any excess over and above the amount required to redeem all of said bonds, the same shall be transferred to the School Fund of said District Number Ten.

Tax to
cease, when.

SEC. 9. The said Board of Trustees of said School District Number Ten (10) are hereby authorized and empowered to purchase one tract of land within the town limits of the Town of Reno, which shall be on the north side of the Truckee River, and to proceed to build thereon a school building, with necessary outhouses and appurtenances; and they are further authorized and empowered to sell at public auction for cash to the highest bidder (after ten days' notice by publication of such sale) certain real estate known as the northwest corner of First and Sierra streets, and the Westerfield property situated on the corner of Ralston and Second streets, all in Reno, Washoe County, Nevada, with or without the improvements thereon, that may, at the time of the approval of this Act, be the property of said district, and which the said Board of Trustees, or a majority thereof, may deem advisable for the best interests of the district, to sell. The proceeds of such sale or sales shall be applied to the purchase of new school-house sites; and any provisions of the general school law in conflict with the provisions of this section are hereby suspended, in so far as they conflict with the provisions of this Act.

Trustees
empowered
to purchase
land, and to
sell certain
land.

Description
of land to be
sold.

SEC. 10. The said Board of Trustees shall immediately proceed to issue the bonds herein provided for; and shall advertise in some paper published in Washoe County, Nevada, for a period of thirty days, that they will receive sealed proposals for the sale of said bonds; and the said Trustees shall sell the said bonds only to the highest bidder or bidders after due publication of said notice of sale; and when the same shall have been disposed of and the proceeds of such sale shall have been paid into the county treasury of Washoe County, Nevada, they shall proceed with due diligence to purchase the necessary school-house sites, and erect the

Board to
advertise
bonds for
sale.

buildings thereon, and make the necessary improvements thereon, as a full and liberal construction of this Act will imply.

CHAP. CLV.—*An Act to fix the State tax levy, and to distribute the same in the proper funds.*

[Approved March 15, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the fiscal year commencing January first, nineteen hundred and five, and annually thereafter, an ad valorem tax of seventy-five cents on each one hundred dollars of taxable property is hereby levied and directed to be collected for State purposes, upon all taxable property in this State, including net proceeds of mines and mining claims, except such property as is by law exempted from taxation. Of the tax hereby levied fifty-two cents shall go into the General Fund of the State, six cents shall go into the Territorial Interest Fund, five and one-tenth cents shall go into the State Interest and Sinking Fund, eight-tenths of one cent shall go into the State University and Sinking Fund, four cents shall go into the General School Fund, one-tenth of one cent shall go into the Contingent University Fund 1905 No. 1, three-tenths of one cent shall go into the Contingent University Fund 1905 No. 2, five and seven-tenths cents shall go into the Contingent University Fund, and one cent shall go into the State Orphans' Home Interest and Sinking Fund.

CHAP. CLVI.—*An Act to provide for the appointment of a Board of Fish Commissioners and to define their duties.*

[Approved March 16, 1905.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of this State is hereby authorized and empowered to appoint three suitable persons to be styled "Fish Commissioners," whose duty shall be to establish fish hatcheries, in localities suitable to the hatching, upon such of the waters of this State as, in their judgment, shall be most available for the purpose of stocking and supplying the streams and lakes of this State with both foreign and native fish; and for such purpose, may take the ova or spawn from fish now inhabiting the waters of the State; and may purchase and import from other States and countries spawn or ova of valuable fish, suitable for food, and may introduce the same, when obtained, into such rivers, streams and lakes as they may deem suited to the habits and successful culture

Governor
may appoint
Fish Com-
missioners.

Duties of
Fish Com-
missioners.

of such fish. They may also employ persons who are skillful and expert in the science of fish breeding, and may superintend and direct the construction of fish-ways and fish ladders that may be built in the streams and waters of this State. The Commissioners may, in their discretion, distribute the ova or spawn to be procured by them to such person or persons as have proper lakes, ponds or streams for the propagation and breeding of fish, and who will, without expense to the State, take charge of such breeding and propagation.

SEC. 2. Such Commissioners shall hold their respective offices for the term of four years, unless some other persons shall be appointed to fill the vacancy occasioned by death, resignation, or inability to attend to the duties required. The Commissioners authorized to be appointed by this Act shall receive no compensation for their services. Their necessary expenses incidental to procuring and distributing the ova or spawn of fish, in the employment of fish breeders, and in carrying out the provisions of this Act, shall be paid from any moneys that may be appropriated by the Legislature, upon accounts or vouchers to be approved by the State Board of Examiners. The Commissioners shall report biennially to the Governor an account of their transactions under this Act, and make an exhibit of their expenditure of money under its provisions.

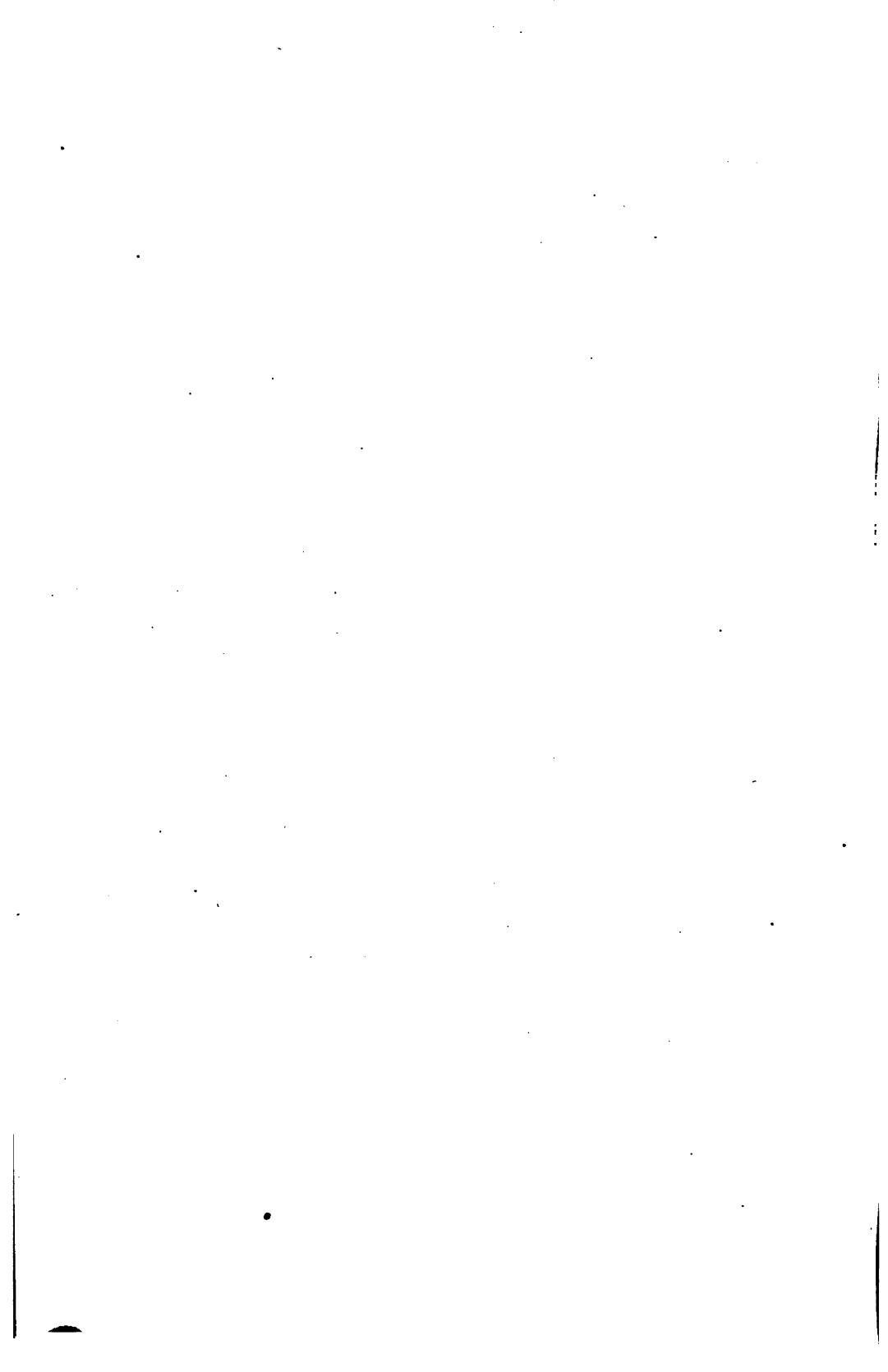
Term of office.
Expenses, how paid.
Report.



RESOLUTIONS AND MEMORIALS

PASSED AT THE

Twenty-second Session, Nevada Legislature, 1905.



RESOLUTIONS AND MEMORIALS.

No. I.—*Senate Memorial and Joint Resolution to Congress, relative to reequipping and reopening to coinage the United States Branch Mint at Carson City, Nevada.*

[Passed February 9, 1905.]

To the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Legislature of the State of Nevada respectfully show that one of the great industries by which the people of Nevada live is mining for gold and silver. Whatever, therefore, burdens, discourages or imposes restraints upon the production of the precious metals, retards or delays the conversion of same into the coins authorized by the General Government, works a hardship hurtful to our miners and detrimental to the bringing of foreign capital for investment in our mining enterprises.

Mining one
of Nevada's
great
industries.

The mineral resources of the State are vast, almost beyond belief. No region of the earth excels Nevada in richness and extent.

The bullion output of the region to be accommodated by the Carson Branch Mint not only embraces a greater area than any mineral belt or mineral deposit surrounding any of the United States Mints, while the country naturally tributary to this Mint establishes its location at a most favorable point beneficial to the producers of the precious metals.

Carson Mint
most con-
venient for
miners.

The famous Comstock Lode, situated but a few miles from this Mint, and which, during the dark days of the Rebellion, furnished the gold and silver warranting the redemption of the paper currency forced into circulation to meet the great emergency facing the life of the Nation, continues to yield her precious treasures in bounteous quantities, later to pass by the doors of this Mint to the San Francisco Mint, to other Mints thousands of miles distant, or to private assay offices and smelting works. The same can be said of every ounce of bullion produced in this State.

The rich mineral discoveries commencing in 1900 in the southwestern portion of the State, embracing the Tonopah and Goldfield districts, with equally rich deposits now being developed in that vicinity, undisputedly assures the future

Rich
discoveries.

production of mineral wealth equal to that at any period in the history of the State.

The large ore deposits in these new mineral fields, excelling in richness and extent all late mineral discoveries throughout the inhabited world, are to-day attracting prospectors, miners and capitalists seeking possessions and investments unequalled in the search for hidden treasures.

New railroads.

Railroads to meet the needs which other transportation facilities cannot accommodate are being rushed to completion, while the increased population everywhere denotes an upward tendency in mining the precious metals. Other industries are going forward in keeping with the impetus given to mining.

The bullion output of these districts also passes the very doors of the Carson Mint, denying to the producer that just recognition and speedy return for his toil and energies.

Carson Mint
should be
reopened.

Your memorialists are informed the Carson Branch Mint has been dismantled to some extent in the transference of certain portions of its machinery to other mints, but that a moderate appropriation would restore it to its original coining capacity. With this accomplished, and the enactment of requisite laws and regulations for reopening same to coinage, our citizens would again be the recipients of benefits the General Government a few years ago accorded them; therefore, be it

Senators and
Representa-
tive asked
to urge
reopening.

Governor to
transmit.

Resolved by the Senate, the Assembly concurring, That our Senators and Representative in Congress be instructed to use all honorable means in their power towards reequipping and reopening to coinage the United States Branch Mint at Carson City; and be it further

Resolved, That the Governor be requested to transmit a duly authenticated copy of this Memorial and Joint Resolution to the Honorable the Secretary of the Treasury, to each of our United States Senators, and to our Representative in Congress.

Selling
liquor to
Indians.

No. II.—*Assembly Joint and Concurrent Resolution, relative to the purchase of intoxicating liquors or drugs by Indian wards of the Government.*

[Passed February 14, 1905.]

WHEREAS, The laws of the United States relative to the sale of intoxicating liquors to the Indian wards of the Government in Nevada have been found inadequate, and fail of their object because the seller only is punished;

Resolved, That it is the sense of the Senate and Assembly that the Congress of the United States should enact suitable

laws providing for the punishment of the purchaser as well as the seller of such intoxicants. Purchaser should also be punished.

Be it further resolved, That a copy of this resolution be forwarded to our Senators and Congressman at Washington. Copy forwarded.

No. III.—*Assembly Memorial and Joint Resolution to the Secretary of the Interior, relative to Federal aid towards the development of artesian and subterranean sources of water supply.*

[Passed February 20, 1905.]

Your memorialists, the Legislature of the State of Nevada, in appealing to the General Government for Federal aid in the development of artesian and subterranean sources of water supply, most respectfully set forth the conditions existing in this State as to the large area of public domain open to occupancy and settlement, the dryness of our climate, lack of running water for irrigating our arid lands, the geographical situations of our larger streams, and the impossibility of impounding the waters or diverting same for reclamation purposes on certain lands sought to be irrigated and opened to homestead entry. Artesian water supply asked for.

There are several million acres of land within the State of Nevada that are at present lying idle, uninhabited, and of no assessable value; the General Government estimating twenty million acres of agricultural lands, and thirty million acres of grazing lands, only a small portion of same under cultivation or occupied for grazing purposes, owing to absence of water.

The provisions of the Act of Congress approved June 17, 1902, appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigating works for the reclamation of arid lands, are now being carried out in impounding the waste waters of two of our largest rivers—the Truckee and Carson—the benefits of same only reaching the Counties of Washoe, Churchill, and Lyon, the topography of the country preventing said irrigating system from approaching thousands of acres of land grouped in localities favorable for reservoirs and where water can only be secured from artesian and subterranean sources. Lands not benefited by river irrigation system.

A supply of water for irrigating purposes would render these lands—possessing as they do good soils and situated in a favorable climate—susceptible of the highest cultivation, thus largely increasing our population, and becoming a source of revenue to the Government.

Your memorialists believe an abundance of water can be obtained to reclaim large tracts of the arid lands within the confines of this State, but that, the title to these lands resting in the General Government, private capital cannot be Large tracts of land may be reclaimed.

secured in an undertaking of this magnitude; eventually resulting in great benefit to the State and Nation.

Asking that
\$500,000 be
expended.

From these conclusions, and that measures to inaugurate a system of artesian and subterranean water development within this State, marking the progress of the country and the solicitude of the parent government for the welfare of her citizens in every locality, your memorialists ask that the sum of five hundred thousand dollars be expended under such rules and regulations the Secretary of the Interior may adopt; therefore be it

Resolved by the Assembly, the Senate concurring, That the Governor be requested to cause to be transmitted a duly authenticated copy of this Memorial and Joint Resolution to his Excellency the President of the United States and to the Honorable the Secretary of the Interior.

No. IV.—*Senate Concurrent Resolution relating to the election of United States Senators by direct popular vote.*

[Passed February 25, 1905.]

Election of U. S Senator by direct popular vote.

WHEREAS, The people of this State, as shown by a vote taken thereon, favor an amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and

People favor constitutional amendment.

WHEREAS, It is evident that a large majority of the American people favor such amendment, as shown by the tone of the public press and by the resolutions of the State Legislatures of the various States, and the resolutions passed by the National House of Representatives; and

WHEREAS, Article V of the Constitution of the United States provides that Congress, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto;

Favoring adoption of amendment to elect Senators by popular vote.

Resolved, therefore (if the Assembly concur), That the Legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators so that they can be chosen in each State by a direct vote of the people.

To be transmitted.

Resolved, That a copy of this resolution and application to Congress for the calling of a convention, be sent to the President of the United States Senate, the Speaker of the House of Representatives, and to each of the representatives of the State of Nevada in the Congress of the United States.

Resolved, That our representatives in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

No. V.—*Senate Joint Resolution and Memorial to Congress, relative to encouraging rifle practice and excellence in marksmanship among citizens of the United States.*

[Passed March 7, 1905.]

WHEREAS, The Congress of the United States has under consideration bills appropriating one million dollars annually, as proposed by the National Board for the Promotion of Rifle Practice, such proposed appropriation being intended for use in encouraging rifle practice and excellence in marksmanship among the citizens of the United States so as to render them quickly available as efficient soldiers in time of war; and

WHEREAS, Our permanent military establishment must, in the nature of circumstances, be small, and, in the event of war with one or more of the first-class powers of the world, we must depend almost entirely upon our citizen volunteers to provide our fighting force; and

WHEREAS, The European powers, being fully aware that a nation of riflemen is invincible, are making strenuous and continued effort to encourage rifle practice and promote good marksmanship with the weapons of war among their people, every inducement being offered to the boys and youth to practice; while the United States, admittedly the most progressive of the large nations of the earth, has done nothing in this direction, although a far greater proportion of its soldiery than that of any other country must be drawn from civil life in case of war; and

WHEREAS, The action of the Congress of the United States, in proposing national appropriations annually for the promotion of rifle practice and excellence in marksmanship, may be properly considered as the most important and far-reaching measure in the interests of the national defense and national training proposed in the history of this country; therefore be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the representatives in Congress from the State of Nevada be, and they hereby are, requested to use their most active and earnest efforts to secure the enactment of proposed legislation looking toward national appropriations for the purpose of encouraging rifle practice and excellence in marksmanship; and be it further

Resolved, That His Excellency, the Governor, be, and he is hereby requested to forward an engrossed copy of this resolution to each of our Senators and to our Representative in Congress.

No. VI.—*Senate Concurrent Resolution, relative to the protest by the Territory of Arizona and her people against the measure pending in Congress seeking to make one State of the Territories of Arizona and New Mexico.*

[Passed March 4, 1905.]

Independent
Statehood
for Arizona.

WHEREAS, The House of Representatives of the Twenty-third Legislative Assembly of the Territory of Arizona, the Council concurring, has by resolution appealed to the sense of justness and fairness of this honorable Legislature, urging of us that our Senators and Representative in Congress be requested to give a just and careful consideration to the protests and objections advanced by the citizens of Arizona against the passage of the measure now pending before the Senate of the United States designed and seeking to make one State of the Territories of Arizona and New Mexico: and

Sympathy
extended.

WHEREAS, The sympathy of this honorable body is with the Territory of Arizona, and it is its wish that the said Territory may be granted independent Statehood; therefore be it

Representa-
tives
notified.

Resolved by the Senate of the State of Nevada, the Assembly concurring, That our Senators and Representative in Congress be notified that this is our desire; and

Governor to
transmit.

Resolved, That the Governor be, and he hereby is, requested to transmit an engrossed copy of this resolution to each of them, and also to his Excellency, the Governor of the Territory of Arizona.

No. VII.—*Assembly Joint and Concurrent Resolution No. 5.*

[Passed March 8, 1905.]

Endorsing
views of
President
Roosevelt on
railroad
questions.

We endorse the views expressed by the President in his recent message to Congress concerning the private car lines, and the payment of rebates, and request our representatives in Congress to assist in the enactment of such legislation as will prevent the payment of rebates, or any discrimination in railway rates.

We further agree with the views expressed by the President in his message as to the powers to be given the Interstate Commerce Commission as to railway rates, and request our representatives in Congress to support such legislation, consistent with the views of the President, as may be necessary to remedy any existing evils, and be within the constitutional powers of such body.

No. VIII.—*Assembly Joint Memorial and Resolution to Congress, relative to the unrestricted admission of Japanese into the United States.*

[Passed March 17, 1905.]

Your memorialist, the Legislature of the State of Nevada,

in session assembled, most respectfully, and with grave concern, represents to the Congress of the United States the manifest evil of the unrestricted admission of Japanese into this country;

That, from their habits, customs and traditions as a race of people, the truth is apparent they cannot assimilate with the white race;

That, from their cunning, industry and commercial enterprise, their greater foothold upon American soil renders their presence more alarming and threatening to the foundation of institutions founded and brought to a high state of perfection by the white people;

That as laborers in competition with the white race, their mode of life, congregating in large numbers in rude hovels, and subsisting on cheap foods largely imported from their mother country, they enter our fields of labor at wages forcing the American toiler into idleness and poverty, which, in turn, not infrequently results in riots and bloodshed;

That from our geographical position the Pacific Coast States are first to receive this invasion; first to suffer from their presence, and naturally first to ask the parent government for relief against the admission of these undesirable people whose customs and superstitions are deadening to every principle of American citizenship; therefore be it

Resolved by the Assembly, the Senate concurring, That our United States Senators be instructed and our Congressman requested to use all honorable means in Congress and before the proper departments of the General Government, to prevent the unrestricted admission of Japanese into the United States.

Resolved, further, That the Governor be requested to transmit a certified copy of this Joint Memorial and Resolution to the President of the United States, to each of our United States Senators, and to our Member of Congress.

No. IX.—*Senate Joint and Concurrent Resolution, relative to the naturalization of citizens.*

[Passed March 16, 1905.]

WHEREAS, Under the land and mining laws of the United States it is provided that all persons who have declared their intention to become citizens of the United States of America shall have the same rights as those who are already citizens; and

WHEREAS, A large number of persons declare their intention to become citizens of the United States of America under the laws provided therefor for the purpose of enjoying the benefits of the land, mining and other laws, yet never become

Japanese immigration
immigration
harmful.

Engenders
poverty
and
trouble.

Pacific Coast
first affected.

Senators
and Con-
gressman
urged to aid
legislation.

To be
transmitted.

Advantage
taken of
laws.

citizens, and while enjoying the benefits of citizenship are required to bear none of the burdens thereof; therefore be it

Certain persons should forfeit privileges.

Resolved by the Senate of the State of Nevada, the Assembly concurring, That we are heartily in favor of such legislation as will require persons declaring their intention of becoming citizens under the laws of the United States of America to become such within a reasonable period after they are eligible, or forfeit all benefits or privileges acquired under our laws; and

Resolved, That a copy of this resolution shall be sent to each of our Senators and to our Representative in Congress.

No. X.—Senate and Assembly Concurrent Resolution No. 15.

[Passed March 17, 1905.]

Resolution of thanks to Hon. F. M. Smith.

WHEREAS, F. M. Smith, President of the Pacific Coast Borax Company, has materially aided the Nevada State Board of World's Fair Commissioners at the St. Louis Exposition, in extending the use of the twenty-mule borax team as a part of Nevada's exhibit, thereby materially assisting said Commission in advertising the resources of our State; therefore be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That we tender to the Hon. F. M. Smith the thanks of the State for such service.

No. XI.—Joint Resolution requesting the establishment of a mail route between the Towns of Kawich and Tybo, in Nye County, Nevada.

[Passed March 13, 1905.]

Preamble.

WHEREAS, The Town of Kawich in Nye County, Nevada, has now a population of more than two hundred, with a fair prospect of an immediate, considerable and permanent increase; and

WHEREAS, Said town is in the midst of a rich mineral region, which is being rapidly developed by the prospector and miner; and

WHEREAS, The said town and consequently the outlying country is wholly without mail facilities; and

Mail route between Kawich and Tybo in Nye County.

WHEREAS, The most direct, practicable route between said Town of Kawich and the main lines of travel and communication within this State is by way of Tybo in said Nye County, to the Town of Eureka, the southern terminus of the Eureka and Palisade Railroad, which connects with the Central Pacific Railroad at Palisade; and

WHEREAS, There is now a semi-weekly mail service between said Town of Eureka and said Town of Tybo, which

latter town is distant from Kawich about forty-seven and one-half miles; therefore be it

Resolved by the Senate and Assembly jointly, That our Senators and Representative in Congress be requested and urged to use all proper effort to secure the establishment of a mail route between the said Town of Kawich and said Town of Tybo, the service to be at least twice a week and as much oftener as to the Postoffice Department may seem feasible.

Resolved, That the Governor be, and he hereby is, requested to transmit a certified copy hereof to each of our Senators and to our Representatives in Congress.

No. XII.—*Assembly Concurrent Resolution relative to amending Section 1 of Article X of the Constitution of the State of Nevada, pertaining to the assessment and taxation of patented mines.*

[Proposed and passed by the Twenty-first Session of the Nevada Legislature, March 16, 1903, and passed and agreed to by the Twenty-second session of the Nevada Legislature, March 3, 1905.]

Resolved by the Assembly, the Senate concurring, That the Constitution of the State of Nevada be amended so as to read as follows:

Amend Section 1, Article X, of the Constitution of the State of Nevada, so that the same shall read as follows:

Section 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds, and, also, excepting such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

No. XIII.—*Senate Concurrent Resolution, relative to amending Section 3 of Article XI of the Constitution of Nevada.*

[Passed March 13, 1905.]

Resolved by the Senate the Assembly concurring, That the Constitution of the State of Nevada be amended as follows:

Amend Section 3 of Article XI of the Constitution of the State of Nevada, so as to read as follows:

Section 3. All lands, including the sixteenth and thirty-

Lands and
funds
dedicated to
support of
education.

How said
funds may be
invested.

sixth sections in any township donated for the benefit of public schools in the Act of the Thirty-eighth Congress to enable the people of Nevada Territory to form a State Government, the thirty thousand acres of public lands granted by an Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each Senator and Representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; *provided*, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the State; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the State; all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources, shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the Legislature may provide by law; and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources, in United States bonds, or the bonds of this State, or the bonds of other States of the Union, or the bonds of any county in this State, or the bonds of counties or cities of any other State of the Union; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; *and provided further*, that such portions of said interest as may be necessary may be appropriated for the support of the State University.

CERTIFICATE.

STATE OF NEVADA, }
DEPARTMENT OF STATE. } ss.

I, W. G. Douglass, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the laws and resolutions published in this volume, beginning on page seventeen and ending on page two, hundred and seventy-eight, are full, true and correct copies of the original enrolled Acts, passed during the Twenty-second Session of the Nevada State Legislature (1905), as the same appear on file and of record in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the Great Seal of State, at my office in Carson
City, Nevada, this 31st day of March, A. D. 1905.

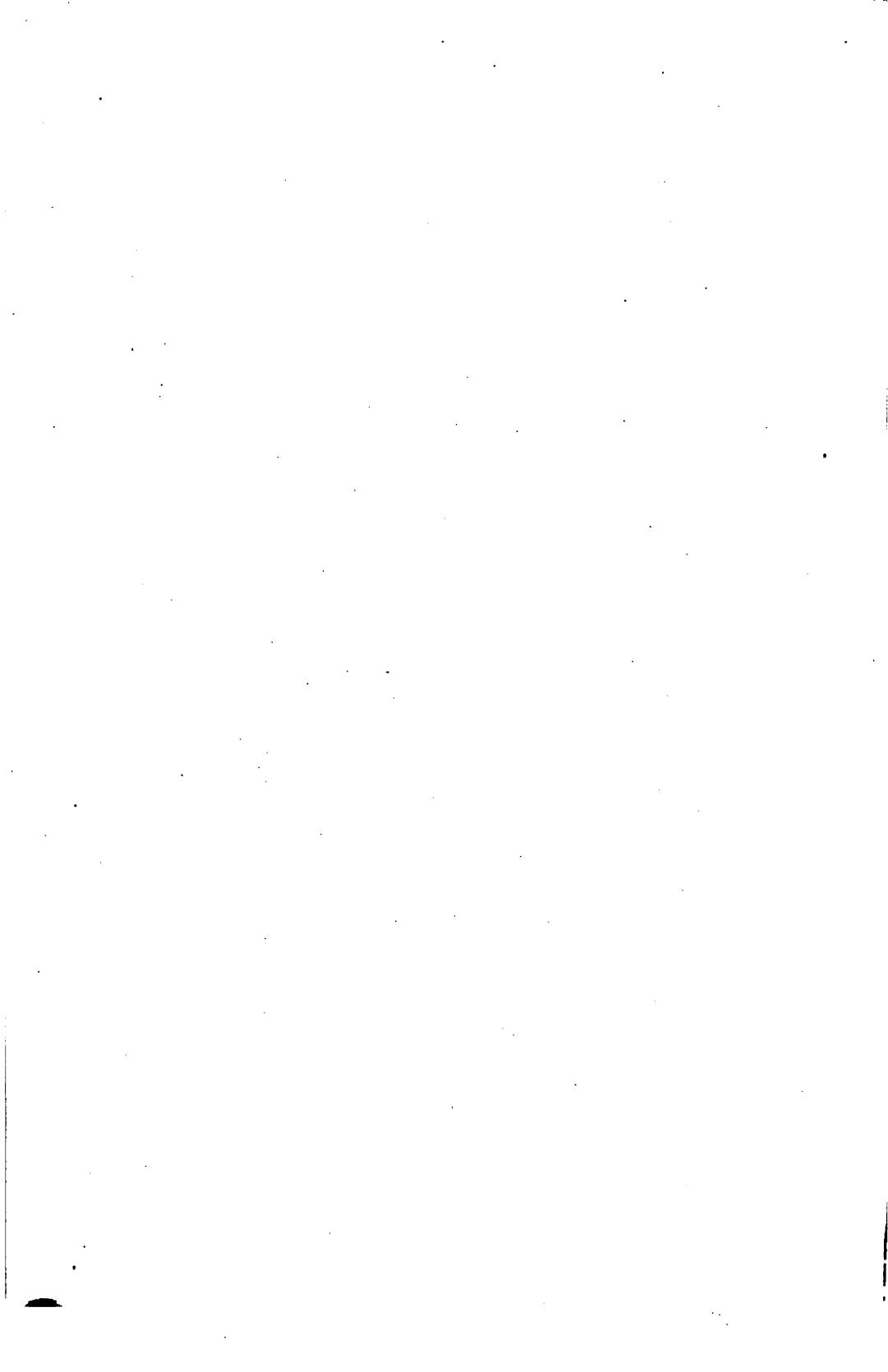
W. G. DOUGLASS,
Secretary of State.



CONSTITUTION

OF THE

UNITED STATES OF AMERICA



Constitution of United States of America

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of ten years, and, excluding Indians not taxed, three-fifths of all other persons.

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five, and Georgia, three.

4. When vacancies happen in the representation from any

Power vested in Congress.

Representatives, how chosen.

Original apportionment of Representatives.

Vacancies, how filled.	State, the executive authority thereof shall issue writs of election to fill such vacancies.
Powers House Representatives.	5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.
Relating to U. S. Senators.	SEC. 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.
U. S. Senators classified.	2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.
Vacancies may be filled by Executive.	3. No person shall be a Senator who shall not have attained the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.
Age of eligibility.	4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.
Who President of Senate.	5. The Senate shall choose their other officers, and also a President <i>pro tempore</i> , in the absence of the Vice-President, or when he shall exercise the office of President of the United States.
Other offices provided.	6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.
Judgment on impeachment.	7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.
Time and place of electing Senators and Representatives.	SEC. 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in the State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.
Congress to assemble, when.	2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SEC. 5.—1. Each house shall be judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and

against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Executive action required, when.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

Powers of Congress in detail.

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the

authority of training the militia according to the discipline prescribed by Congress. Powers of Congress in detail.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. Inhibitions in detail

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SEC. 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder; *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws;

Inhibitions. and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all of such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Executive power vested SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Electors, number of and how appointed. 2. Each State shall appoint in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[*3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

Who eligible to the Presidency. 4. The Congress may determine the time of choosing the electors,† and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

*The portion in brackets has been superceded by the 12th amendment.

†The time for choosing the electors is the first Tuesday after the first Monday in November.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2.—1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper;

he shall receive ambassadors, and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

How removed from office.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Judicial power vested.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and, in such inferior courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Judicial power limited.

SEC. 2.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens or subjects.

Original jurisdiction, when.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Trial by jury granted.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason defined.

SEC. 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason punished.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved and the effect thereof.

SEC. 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3.—1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all interests and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Debts of Confederation assumed. 1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

Supreme law of the land. 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Certain officers bound by the Constitution. 3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Date of adoption. Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire—

John Langdon,
Nicholas Gilman.

Massachusetts—

Nathaniel Gorham,
Rufus King.

Connecticut—

William Samuel Johnson,
Roger Sherman.

New York—

Alexander Hamilton.

New Jersey—

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Delaware—

George Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland—

James McHenry,
Dan. of St. Theo. Jenifer,
Daniel Carroll.

Virginia—

John Blair,
James Madison, Jr.

North Carolina—

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

Pennsylvania—

Benjamin Franklin,
 Thomas Mifflin,
 Robert Morris,
 George Clymer,
 Thomas Fitzsimmons,
 Jared Ingersoll,
 James Wilson,
 Gouverneur Morris.

Attest:

South Carolina—

John Rutledge,
 Charles C. Pinckney,
 Charles Pinckney,
 Pierce Butler.

Georgia—

William Few,
 Abraham Baldwin.

WILLIAM JACKSON,
 Secretary.

The following-named Delegates from other States were present, but did not sign the Constitution:

Massachusetts—

Eldridge Gerry,
 Caleb Strong.

Connecticut—

Oliver Ellsworth.

New York—

John Lansing, Jr.,
 Robert Yates.

New Jersey—

Wm. C. Houston.

Virginia—

Edmund Randolph,
 George Mason,
 George Wythe,
 James McClurg.

North Carolina—

Alexander Martin,
 Wm. R. Davie.

Maryland—

John Francis Mercer,
 Luther Martin.

Georgia—

Wm. Pierce,
 Wm. Houston.

Of the 63 delegates originally appointed 10 did not attend, 2 of which vacancies were filled. Of those attending, 39 signed and 16 did not.

The Constitution was adopted by the Convention on the 17th of September, 1787, appointed in pursuance of the resolution of the Congress of the Confederation of the 21st of February, 1787, and ratified by the conventions of the several States, as follows:

Delaware, December 7, 1787, unanimously.

Pennsylvania, December 12, 1787, by a vote of 46 to 23.

New Jersey, December 18, 1787, unanimously.

Georgia, January 2, 1788, unanimously.

Connecticut, January 9, 1788, by a vote of 128 to 40.

Massachusetts, February 6, 1788, by a vote of 187 to 168.

Maryland, April 28, 1788, by a vote of 63 to 12.

South Carolina, May 23, 1788, by a vote of 149 to 73.

New Hampshire, June 21, 1788, by a vote of 57 to 47.

Virginia, June 25, 1788, by a vote of 89 to 79.

New York, July 26, 1788, by a vote of 30 to 25.

North Carolina, November 21, 1789, by a vote of 193 to 75.

Rhode Island, May 29, 1790, by a majority of 2.
 Vermont, January 10, 1791, by a vote of 105 to 4.
 Declared ratified by resolution of the old Congress, September 13, 1788.

[The adoption of the Constitution was opposed by many who believed that the extensive powers granted by it to Congress and the executive would be dangerous to the liberties of the people. It was, however, finally adopted chiefly through the exertions and writings of James Madison, John Jay, and Alexander Hamilton. Virginia ratified the Constitution with the declaration that she was at liberty to withdraw from the Union whenever its powers were used for oppression; and New York, after Hamilton had declared that no State should ever be coerced by an armed force. There were two great parties. The Federalists, in favor of a strong, centralized government, and the Anti-Federalists, supporters of State's rights. Washington and Adams, Federalist leaders, were elected and the government was organized with Thomas Jefferson, Secretary of State; Alexander Hamilton, Secretary of the Treasury; Henry Knox, Secretary of War, and John Jay, Chief Justice of the Supreme Court.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.*

Sectarianism prohibited. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

Right to bear arms. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Soldiery not to be quartered on. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but

*Twelve amendments were proposed by Congress September 25, 1789. The last ten were adopted, which are the first ten as shown above, and were proclaimed to be in force December 15, 1791.

The rejected articles were as follows:

I. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 persons, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress that there shall not be less than one hundred Representatives for every 40,000 persons, until the number of Representatives shall amount to two hundred; after which the propor-

upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Rights of persons charged with crime secured.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Rights of accused persons.

ARTICLE VII.

In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

The common law adopted.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail and punishment inhibited.

tion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every 50,000 persons.

II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

The twelve proposed amendments were acted upon by the States as follows:

All ratified by Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Vermont, and Virginia—7.

All, excepting Article I, ratified by Delaware—1.

All, excepting Article II, ratified by Pennsylvania—1.

All, excepting Articles I and II, ratified by New Hampshire, New York, and Rhode Island—3.

All rejected by Connecticut, Georgia, and Massachusetts—3.

ARTICLE IX.

Certain rights construed.
States rights defined.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Judicial powers of the United States limited.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.*

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.†

President of the United States, how elected.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve on them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall

*Article XI was proposed by Congress March 12, 1794, and declared in force January 8, 1798.

†Article XII was proposed in the first session of the Eighth Congress, and declared in force September 25, 1804.

be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.*

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Slavery abolished.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.†

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. Citizenship defined and rights secured.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Rep-
resentation
regulated.

*Article XIII was proposed by Congress February 1, 1865, and declared in force December 18, 1865.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin—34. Ratified conditionally by Alabama and Mississippi. Rejected by Delaware and Kentucky—2.

†Article XIV was proposed by Congress June 13, 1866, and declared in force July 28, 1869.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin—33.

Of the above, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia first rejected the amendment, but finally ratified it. New Jersey and Ohio rescinded their ratification.

Rejected by Delaware, Kentucky, and Maryland—3.
No final action was taken by California—1.

executive and judicial officers of a state, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Certain persons ineligible to office.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Rebellion debt declared valid.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave: but all such debts, obligation, and claims shall be held illegal and void.

Payment of insurrectionary debt inhibited.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.*

SECTION 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

*Article XV was proposed by Congress February 26, 1869, and declared in force March 30, 1870.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and Wisconsin—30.

Of the above, Georgia and Ohio at first rejected, but finally ratified. New York rescinded her ratification.

Rejected by California, Delaware, Kentucky, Maryland, New Jersey, and Oregon—6.

No final action was taken by Tennessee—1.

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CONSTITUTION

OF THE

STATE OF NEVADA



Constitution of the State of Nevada.

[As amended up to and including November 8, 1904.]

PRELIMINARY ACTION.

1. WHEREAS, The Act of Congress, approved March twenty-first, A. D. eighteen hundred and sixty-four, "To enable the people of the Territory of Nevada to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," requires that the members of the Convention for framing said Constitution shall, after organization, on behalf of the people of said Territory, adopt the Constitution of the United States; therefore be it

2. Resolved, That the members of this Convention, elected by the authority of the aforesaid enabling Act of Congress, as assembled in Carson City, the Capital of said Territory of Nevada, and immediately subsequent to its organization, do adopt, on behalf of the people of said Territory, the Constitution of the United States.

ORDINANCE.

3. In obedience to the requirements of an Act of the Congress of the United States, approved March twenty-first, A. D. eighteen hundred and sixty-four, to enable the people of Nevada to form a Constitution and State Government, this Convention, elected and convened in obedience to said enabling Act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First—That there shall be in this State neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second—That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third—That the people inhabiting said Territory do agree, and declare, that they forever disclaim all right and title to

Right to
public land
disclaimed.

the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Constitution
proclaimed.

4. We, the people of the State of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility, and form a more perfect government, do establish this

CONSTITUTION.

ARTICLE I.

DECLARATION OF RIGHTS.

Declaration
of rights.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Paramount
allegiance.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its constitutional powers, as the same have been, or may be, defined by the Supreme Court of the United States, and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the Government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and perpetuate its existence, and whosoever any portion of the States, or people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

Right of
secession
denied.

Trial by jury
secured.

SEC. 3. The right of trial by jury shall be secured to all and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand and have the same force and effect as a verdict by the whole jury; *provided*, the

Legislature, by a law passed by a two-thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature), except on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous, is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. The military shall be subordinate to the civil

Freedom of
worship
secured.

Habeas
corpus
suspended,
when.

Bail, fines,
and punish-
ments
limited.

Trial on
indictment
secured.

Not to be
twice put in
jeopardy.

Private
property
for public
use.

Freedom of
speech and
press.

Right of
assembly
and petition.

Military establish-
ment limited. power. No standing army shall be maintained by this State in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

Soldier quartered,
how. SEC. 12. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner to be prescribed by law.

Rep-
resenta-tion. SEC. 13. Representation shall be apportioned according to population.

Debtors
property
exempt from
forced sale. SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned for a militia fine in time of peace.

Certain
inhibitions. SEC. 15. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall ever be passed.

Rights of
foreigners. SEC. 16. Foreigners who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native-born citizens.

Slavery
prohibited. SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Search and
seizure
regulated. SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Treason
defined. SEC. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. And no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

How and by
whom the
franchise
may be
enjoyed. SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States (not laboring under the disabilities named in this Constitution) of the age of twenty-one years and upwards, who shall have actually, and not constructively, resided in the State six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted

of treason or felony in any State or Territory of the United States, unless restored to civil rights, and no person who, after arriving at the age of eighteen years, shall have voluntarily borne arms against the United States, or held civil or military office under the so-called Confederate States, or either of them, unless an amnesty be granted to such by the Federal Government, and no idiot or insane person, shall be entitled to the privilege of an elector.

[Amended by striking out the word *white* before the word *male*. Proposed and passed at the Eighth Session of the Legislature, January 16, 1877, Statutes of 1877, page 213; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.]

SEC. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined at any public prison.

SEC. 3. The right of suffrage shall be enjoyed by all persons, otherwise entitled to the same, who may be in the military or naval service of the United States; *provided*, the votes so cast shall be made to apply to the county and township of which said voters were *bona fide* residents at the time of their enlistment; and *provided further*, that the payment of a poll tax or a registration of such voters shall not be required as a condition to the right of voting. Provision shall be made by law regulating the manner of voting, holding elections, and making returns of such elections, wherein other provisions are not contained in this Constitution.

SEC. 4. During the day on which any general election shall be held in this State, no qualified elector shall be arrested by virtue of any civil process.

SEC. 5. All elections by the people shall be by ballot, and all elections by the Legislature, or by either branch thereof, shall be "*viva voce*".

SEC. 6. Provision shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the Legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary as a test of electoral qualifications.

SEC. 7. The Legislature shall provide by law for the payment of an annual poll tax, of not less than two nor exceeding four dollars, from each male person resident in the State between the ages of twenty-one and sixty years (uncivilized American Indians excepted), one-half to be applied for State

Residence defined.

Soldiers and sailors may vote.

Civil process suspended.

Elections by ballot.

Electors registered.

Poll tax provided for.

and one-half for county purposes; and the Legislature may, in its discretion, make such payment a condition to the right of voting.

SEC. 8. All persons qualified by law to vote for representatives to the General Assembly of the Territory of Nevada, on the twenty-first day of March, A. D. eighteen hundred and sixty-four, and all other persons who may be lawful voters in said Territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this Constitution.

Who may
vote on
Constitution

Powers of
government.

ARTICLE III. DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of Nevada shall be divided into three separate departments—the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV. LEGISLATIVE DEPARTMENT.

Legislative
authority
vested.

To convene,
when.

SECTION 1. The legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Nevada," and the sessions of such Legislature shall be held at the seat of Government of the State.

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the *third* Monday of January next ensuing the election of members of the Assembly, unless the Governor of the State shall, in the *interim*, convene the Legislature by proclamation.

[Amended by changing *first* Monday to *third* Monday in January. Proposed and passed at the Twelfth Session of the Legislature, February 23, 1885, Statutes of 1885, page 151; agreed to and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 165, and approved and ratified by the people at a special election held February 11, 1889.]

Assembly-
men chosen.

SEC. 3. The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, and their term of office shall be two years from the day next after their election.

Senators
chosen.

SEC. 4. Senators shall be chosen at the same time and places as members of the Assembly, by the qualified electors of their respective districts, and their term of office shall be four years from the day next after their election.

SEC. 5. Senators and members of the Assembly shall be *who eligible.* duly qualified electors in the respective counties and districts

which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

SEC. 6. Each house shall judge of the qualifications, elections, and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings, and may punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 7. Either house, during the session, may punish by imprisonment, any person, not a member, who shall have been guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 8. No Senator or member of Assembly shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by elections by the people.

SEC. 9. No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that Postmasters whose compensation does not exceed five hundred dollars per annum, or Commissioners of Deeds, shall not be deemed as holding a lucrative office.

SEC. 10. Any person who shall be convicted of the embezzlement or defalcation of the public funds of this State, or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person shall be disqualified from holding any office of profit or trust in this State. And the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

SEC. 11. Members of the Legislature shall be privileged from arrest on civil process during the session of the Legislature, and for fifteen days next before the commencement of each session.

SEC. 12. When vacancies occur in either house, the Governor shall issue writs of election to fill such vacancy.

SEC. 13. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn, from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 14. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house, on any question, shall, at

Powers of
each.

Members
not to be
beneficiaries

Persons not
eligible,
when.

Disqualified
from office
holding.

Rules
relating to
legislative
procedure.

Rules
relating to
legislative
procedure.

the desire of any three members present, be entered on the journal.

SEC. 15. The doors of each house shall be kept open during its session, except the Senate while sitting in executive session, and neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be holding their sessions.

SEC. 16. Any bill may originate in either house of the Legislature, and all bills passed by one may be amended in the other.

SEC. 17. Each law enacted by the Legislature shall embrace but one subject, and matters properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the Act as revised, or section as amended, shall be reenacted and published at length.

SEC. 18. Every bill shall be read by sections on three several days in each house, unless, in case of emergency, two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journals of each house; and a majority of all the members elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the Secretary of the Senate and Clerk of the Assembly.

Public
moneys, how
disbursed
and
accounted
for.

Legislative
powers
restricted.

SEC. 19. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 20. The Legislature shall not pass local or special laws in any of the following enumerated cases—that is to say: Regulating the jurisdiction and duties of the Justices of the Peace and of Constables; for the punishment of crimes and misdemeanors; regulating the practice of courts of justice; providing for changing the venue in civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plots, streets, alleys and public squares; summoning and impaneling grand and petit juries, and providing for their compensation; regulating county and township business; regulating the election of county and township officers; for the assessment and collection of taxes for State, county and township purposes; providing for opening and conducting elections of State, county and township officers, and designating the places of voting; providing for the sale of real estate or personal property belonging to minors or

other persons under legal disabilities; giving effect to invalid deeds, wills or other instruments; refunding money paid into the State Treasury, or into the treasury of any county; releasing the indebtedness, liability or obligation of any corporation, association or person to the State, or to any county, town or city of this State. But nothing in this section shall be construed to deny or restrict the power of the Legislature to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage, toll, and charges of railroads, toll roads, ditch, flume and tunnel companies incorporated under the laws of this State or doing business therein.

[As amended. Proposed and passed at the Twelfth Session of the Legislature, February 23, 1885, Statutes of 1885, page 152; agreed to and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 166, and approved and ratified by the people at a special election held February 11, 1889.]

SEC. 21. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 22. Provision may be made by general law for bringing suit against the State as to all liabilities originating after the adoption of this Constitution.

SEC. 23. The enacting clause of every law shall be as follows: "The People of the State of Nevada, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

SEC. 24. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

SEC. 25. The Legislature shall establish a system of county and township government, which shall be uniform throughout the State.

SEC. 26. The Legislature shall provide by law for the election of a Board of County Commissioners in each county, and such County Commissioners shall, jointly and individually, perform such duties as may be prescribed by law.

SEC. 27. Laws shall be made to exclude from serving on juries all persons not qualified electors of the State, and all persons who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 28. No money shall be drawn from the State Treasury as salary or compensation to any officer or employee of the Legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employee, and the salary or compensation so fixed shall neither be increased nor diminished so as to apply to any

Powers restricted.

Laws general and uniform.

Suit may be brought against the State.

Lottery inhibited.

County government.

Who may be excused from juries.

Compensation fixed by law.

officer or employee of the Legislature, or either branch thereof, at such session; *provided*, that this restriction shall not apply to the first session of the Legislature.

Legislative session limited.

SEC. 29. The first regular session of the Legislature under this Constitution may extend to ninety days, but no subsequent regular session shall exceed sixty days, nor any special session convened by the Governor exceed twenty days.

Homestead exempt from forced sale.

SEC. 30. A homestead as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife when that relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; *provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, and laws shall be enacted providing for the recording of such homestead within the county in which the same shall be situated.

Separate property of wife.

SEC. 31. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property; and laws shall be passed, more clearly defining the rights of the wife in relation, as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Power of Legislature over county officers.

SEC. 32. The Legislature shall have power to increase, diminish, consolidate, or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys, County Surveyors, Public Administrators and Superintendents of Schools. The Legislature shall provide for their election by the people, and fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

[As amended. Proposed and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 161; agreed to and passed at the Fourteenth Session of the Legislature, January 17, 1889, Statutes of 1889, page 151, and approved and ratified by the people at a special election held February 11, 1889.]

Compensation of Legislators.

SEC. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; *provided*, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery, not exceeding the sum of sixty dollars for any general or special session, to each member; *and furthermore provided*, that the Speaker of the Assembly, and Lieutenant-Governor, as President of

the Senate, shall each, during the time of their actual attendance as such presiding officers, receive an additional allowance of two dollars per diem.

SEC. 34. In all elections for United States Senators, such elections shall be held in joint convention of both houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in session, or at the succeeding session thereof, to supply such vacancy. If the Legislature shall, at any time, as herein provided, fail to unite in a joint convention within twenty days after the commencement of the session of the Legislature for the election [of] such Senator, it shall be the duty of the Governor, by proclamation, to convene the two houses of the Legislature in joint convention within not less than five days, nor exceeding ten days, from the publication of his proclamation, and the joint convention when so assembled shall proceed to elect the Senator as herein provided.

Election of
United
States
Senators.

SEC. 35. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within five days after it shall have been presented to him (Sundays excepted), exclusive of the day on which he received it, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor, within ten days next after the adjournment (Sundays excepted), shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, in like manner as if it had been returned by the Governor; and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays, to be entered upon the journals of each house, it shall become a law.

Executive
action on
bills.

May become
law after
veto.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be Governor ^{Executive power vested.}

SEC. 2. The Governor shall be elected by the qualified

Governor elected. electors at the time and places of voting for members of the Legislature, and shall hold his office for four years from the time of his installation, and until his successor shall be qualified.

Who eligible to office of Governor. SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under this Constitution, shall not have been a citizen resident of this State for two years next preceding the election.

Disposition of election returns. SEC. 4. The returns of every election for Governor, and other State officers voted for at the general election shall be sealed up and transmitted to the seat of government, directed to the Secretary of State; and on the third Monday of December succeeding such election, the Chief Justice of the Supreme Court, and the Associate Justices, or a majority thereof, shall meet at the office of the Secretary of State, and open and canvass the election returns for Governor and all other State officers, and forthwith declare the result and publish the names of the persons elected. The persons having the highest number of votes for the respective offices shall be declared elected, but in case any two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote of both houses, elect one of said persons to fill said office.

Military authority of Governor. SEC. 5. The Governor shall be Commander-in-Chief of the military forces of this State, except when they shall be called into the service of the United States.

Duties of Governor. SEC. 6. He shall transact all executive business with the officers of the government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

May fill vacancies. SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission which shall expire at the next election and qualification of the person elected to such office.

May convene Legislature. SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business except that for which they were especially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session.

Message to Legislature. SEC. 10. He shall communicate by message to the Legislature at every regular session the condition of the State, and recommend such measures as he may deem expedient.

SEC. 11. In case of a disagreement between the two

houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature. May adjourn Legislature.

SEC. 12. No person shall while holding any office under the United States Government hold the office of Governor, except as herein expressly provided. Certain persons ineligible.

SEC. 13. The Governor shall have the power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days dating from the time of conviction, for all offenses, except in cases of impeachment. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. And if the Legislature shall fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the Governor by his order may direct. The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, and the date of the remission, commutation, pardon or reprieve. Duties of Governor as to fines and forfeitures.

SEC. 14. The Governor, Justices of the Supreme Court and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Personnel of Board of Pardons.

SEC. 15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of Nevada." Seal of State.

SEC. 16. All grants and commissions shall be in the name and by the authority of the State of Nevada, sealed with the Great Seal of the State, signed by the Governor and countersigned by the Secretary of State. Grants in name of State.

SEC. 17. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor, and his term of office and his eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled or the disability cease. Election and duties of Lieutenant-Governor.

SEC. 18. In case of the impeachment of the Governor, or

Lieutenant-Governor to succeed Governor.

his removal from office, death, inability to discharge the duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue Commander-in-Chief of the military forces of the State.

State officers, terms of office.

SEC. 19. A Secretary of State, a Treasurer, a Controller, a Surveyor-General, and an Attorney-General, shall be elected at the same time and places, and in the same manner as the Governor. The term of office of each shall be the same as is prescribed for the Governor. Any elector shall be eligible to either of said offices.

Duties of Secretary of State.

SEC. 20. The Secretary of State shall keep a true record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature.

Personnel of Board of State Prison Commissioners and Board of Examiners.

SEC. 21. The Governor, Secretary of State and Attorney-General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be provided by law. They shall also constitute a Board of Examiners, with power to examine all claims against the State (except salaries or compensation of officers fixed by law), and perform such other duties as may be prescribed by law, and no claim against the State (except salaries or compensation of officers fixed by law) shall be passed upon by the Legislature without having been considered and acted upon by said Board of Examiners.

SEC. 22. The Secretary of State, State Treasurer, State Controller, Surveyor-General, Attorney-General and Superintendent of Public Instruction shall perform such other duties as may be prescribed by law.

Judicial power vested.

Supreme Court, how constituted.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts and in Justices of the Peace. The Legislature may also establish courts for municipal purposes only, in incorporated cities and towns.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum; *provided*, that the Legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional Associate Justices, and if so increased three shall constitute a quorum.

The concurrence of a majority of the whole Court shall be necessary to render a decision.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; *provided*, that there shall be elected, at the first election under this Constitution, three Justices of the Supreme Court, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and continue in office thereafter two, four and six years, respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine, by lot, the term of office each Justice shall fill, and the Justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior Justice in commission shall be Chief Justice, and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot who shall be Chief Justice.

Election of
Justices of.

Rank of
Justices.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law in which is involved the title or right of possession to, or the possession of, real estate or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all other civil cases not included in the general subdivisions of law and equity, and also on questions of law alone in all criminal cases in which the offense charged amounts to felony. The Court shall also have power to issue writs of *mandamus*, *certiorari*, prohibition, *quo warranto* and *habeas corpus*, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of *habeas corpus* to any part of the State upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court in the State, or before any Judge of said Courts.

Jurisdiction
and powers
of.

SEC. 5. The State is hereby divided into nine judicial districts, of which the County of Storey shall constitute the first; the County of Ormsby the second; the County of Lyon the third; the County of Washoe the fourth; the Counties of Nye and Churchill the fifth; the County of Humboldt the sixth; the County of Lander the seventh; the County of Douglas the eighth, and the County of Esmeralda the ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes, until otherwise provided by law. The Legislature may, however, provide by law for an alter-

State divided
into judicial
districts.

^{State divided into judicial districts.} ation in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office. At the first general election under this Constitution, there shall be elected in each of the respective districts (except as in this section hereafter otherwise provided) one District Judge, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and until the first Monday of January, in the year eighteen hundred and sixty-seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one District Judge in each of the respective judicial districts (except in the first district, as in this section hereinafter provided). The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of four years (excepting those elected at said first election) from and including the first Monday of January next succeeding their election and qualification; *provided*, that the First Judicial District shall be entitled to, and shall have, three District Judges, who shall possess coextensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed in relation to the Judges in other judicial districts. Any one of said Judges may preside on the empaneling of grand juries, and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.

^{Jurisdiction of District Courts.} SEC. 6. The District Courts in the several judicial districts of this State shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or the right of possession to, or the possession of, real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons, and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law; they shall also have final appellate jurisdiction in cases arising in Justices Courts, and such other inferior tribunals as may be established by law. The District Courts and the Judges thereof shall have power to issue writs of *mandamus*, *injunction*, *quo warranto*, *certiorari*, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue writs of *habeas corpus* on petition by, or on behalf of, any person held in actual custody in their respective districts.

SEC. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of government; and the terms of the District Courts shall be held at the county seats of their respective counties; *provided*, that in case any county shall be hereafter divided into two or more districts, the Legislature may by law designate the places of holding courts in any such districts.

SEC. 8. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and shall fix, by law, their powers, duties and responsibilities; *provided*, that such Justices Courts shall not have jurisdiction of the following cases, viz: First—Of cases in which the matter in dispute is a money demand or personal property, and the amount of the demand (exclusive of interest) or the value of the property exceeds three hundred dollars. Second—Of cases wherein the title to real estate or mining claims, or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several courts of record in this State; *and provided further*, that Justices Courts shall have such criminal jurisdiction as may be prescribed by law; and the Legislature may confer upon said courts jurisdiction concurrent with the District Courts, of actions to enforce mechanics' liens wherein the amount (exclusive of interest) does not exceed three hundred dollars; and also of actions for the possession of lands and tenements, where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The Legislature shall also prescribe by law the manner and determine the cases in which appeals may be taken from Justices and other courts. The Supreme Court, the District Court, and such other courts as the Legislature shall designate, shall be courts of record.

SEC. 9. Provision shall be made by law prescribing the powers, duties and responsibilities of any municipal court that may be established in pursuance of section one of this article; and also fixing by law the jurisdiction of said court, so as not to conflict with that of the several courts of record.

SEC. 10. No judicial officer, except Justices of the Peace and City Recorders, shall receive to his own use any fees or perquisites of office.

SEC. 11. The Justices of the Supreme Court and the District Judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such Judges by the people, Legislature or otherwise, during said period, to any office other than judicial, shall be void.

SEC. 12. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare practice. the law.

SEC. 13. The style of all process shall be "The State of Nevada," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 14. There shall be but one form of civil action, and law and equity may be administered in the same action.

Com-
pen-
sa-
tion of
judicial
officers.

SEC. 15. The Justices of the Supreme Court and District Judges shall each receive quarterly for their services a compensation to be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, unless in case a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment, and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation; *provided*, that District Judges shall be paid out of the county treasuries of the counties composing their respective districts.

Relating to
Court fees.

SEC. 16. The Legislature, at its first session, and from time to time thereafter, shall provide by law that upon the institution of each civil action and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding in the several courts of record in this State, a special court fee or tax shall be advanced to the clerks of said courts, respectively, by the party or parties bringing such action or proceeding, or taking such appeal; and the money so paid in shall be accounted for by such clerks, and applied towards the payment of the compensation of the Judges of said courts, as shall be directed by law.

Leave of
absence of
judicial
officers
limited.

SEC. 17. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for more than ninety consecutive days, shall be deemed to have vacated his office.

SEC. 18. No judicial officer shall be superseded, nor shall the organization of the several courts of the Territory of Nevada be changed, until the election and qualification of the several officers provided for in this article.

ARTICLE VII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Powers of
impeach-
ment con-
ferred.

SECTION 1. The Assembly shall have the sole power of impeaching. The concurrence of a majority of all the members elected shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. The Chief Justice of the Supreme Court shall preside over the Senate while sitting to try the Governor or Lieutenant-Governor upon impeachment. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

SEC. 2. The Governor, and the other State and judicial offi-

cers, except Justices of the Peace, shall be liable to impeachment for misdemeanor or malfeasance in office; but judgment in such case shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust, under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

SEC. 3. For any reasonable cause, to be entered on the journals of each house, which may or may not be sufficient grounds for impeachment, the Chief Justice and Associate Justices of the Supreme Court and Judges of the District Courts shall be removed from office on the vote of two-thirds of the members elected to each branch of the Legislature, and the Justices or Judge complained of shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person, or by counsel, in his defense; *provided*, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

SEC. 4. Provision shall be made by law for the removal from office of any civil officer other than those in this article previously specified, for malfeasance or nonfeasance in the performance of his duties.

ARTICLE VIII.

MUNICIPAL AND OTHER CORPORATIONS.

SECTION 1. The Legislature shall pass no special Act in any matter relating to corporate powers except for municipal purposes; but corporations may be formed under general laws, and all such laws may, from time to time, be altered or repealed.

SEC. 2. All real property and possessory rights to the same, as well as personal property in this State, belonging to corporations now existing or hereafter created, shall be subject to taxation the same as property of individuals; *provided*, that the property of corporations formed for municipal, charitable, religious, or educational purposes may be exempted by law.

SEC. 3. Dues from corporations shall be secured by such means as may be prescribed by law; *provided*, that corporators in corporations formed under the laws of this State shall not be individually liable for the debts or liabilities of such corporation.

SEC. 4. Corporations created by or under the laws of the Territory of Nevada shall be subject to the provisions of such laws until the Legislature shall pass laws regulating the same, in pursuance of the provisions of this Constitution.

SEC. 5. Corporations may sue and be sued in all courts, in like manner as individuals.

SEC. 6. No bank notes or paper of any kind shall ever be

Certain paper money interdicted. permitted to circulate as money in this State, except the Federal currency and the notes of banks authorized under the laws of Congress.

SEC. 7. No right of way shall be appropriated to the use of any corporation until full compensation be first made or secured therefor.

Credit of cities and towns limited.

SEC. 8. The Legislature shall provide for the organization of cities and towns by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water.

State forbidden to speculate.

SEC. 9. The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association, or corporation, except corporations formed for educational or charitable purposes.

Limitation of county indebtedness

SEC. 10. No county, city, town, or other municipal corporation shall become a stockholder in any joint stock company, corporation, or association whatever, or loan its credit in aid of any such company, corporation, or association, except railroad corporations, companies, or associations.

ARTICLE IX.

FINANCE AND STATE DEBT.

State to borrow limited.

SECTION 1. The fiscal year shall commence on the first day of January in each year.

SEC. 2. The Legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

Limit raised, when.

SEC. 3. For the purpose of enabling the State to transact its business upon a cash basis from its organization, the State may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of three hundred thousand dollars, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by, or on behalf of, the State, when all its debts and liabilities amount to said sum before mentioned, shall be void and of

no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the State in time of war, or, if hostilities be threatened, provide for the public defense.

SEC. 4. The State shall never assume the debts of any county, town, city, or other corporation whatever, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public defense.

ARTICLE X.

TAXATION.

SECTION 1. The Legislature shall provide by law for a Taxation uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, excepting mines and mining claims, the proceeds of which alone shall be taxed, and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

ARTICLE XI.

EDUCATION.

SECTION 1. The Legislature shall encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural and moral improvements and also provide for the election by the people, at the general election, of a Superintendent of Public Instruction, whose term of office shall be two years from the first Monday of January, A. D. eighteen hundred and sixty-five, and until the election and the qualification of his successor, and whose duties shall be prescribed by law.

SEC. 2. The Legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year; and any school district neglecting to establish and maintain such a school, or which shall allow instructions of a sectarian character therein, may be deprived of its proportion of the interest of the Public School Fund during such neglect or infraction; and the Legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

SEC. 3. All lands, including the sixteenth and thirty-sixth sections in any township donated for the benefit of public schools, in the Act of the Thirty-eighth Congress, to enable the people of Nevada Territory to form a State Government, the thirty thousand acres of public lands granted by an Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each Senator and Representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to

Education encouraged.

Public schools fostered.

Lands and funds dedicated to support of.

Lands and
funds
dedicated to
support of.

this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; *provided*, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the State; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the State; all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the Legislature may provide by law; and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources, in United States bonds, or the bonds of this State, or the bonds of other States of the Union; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; and *provided further*, that such portions of said interest as may be necessary may be appropriated for the support of the State University.

[As amended. Proposed and passed at the Twelfth Session of the Legislature, February 25, 1885, Statutes of 1885, page 160; agreed to and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 168, and approved and ratified by the people at a special election held February 11, 1889.]

State
University.

SEC. 4. The Legislature shall provide for the establishment of a State University, which shall embrace departments for agriculture, mechanic arts and mining, to be controlled by a Board of Regents whose duties shall be prescribed by law.

Normal
School.

SEC. 5. The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the University, as in their discretion they may deem necessary, and all professors in said University, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article XV of this Constitution. No professor or teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this section shall be entitled to receive any portion of the public moneys set apart for school purposes.

Educational
special tax.

SEC. 6. The Legislature shall provide a special tax, which shall not exceed two mills on the dollar of all taxable property in the State, in addition to the other means provided for the support and maintenance of said University and common schools.

[As amended. Proposed and passed at the Twelfth Session of the Leg-

islature, February 25, 1885, Statutes of 1885, page 161; agreed to and passed at the Thirteenth Session, March 3, 1887, Statutes of 1887, page 169, and approved and ratified by the people at a special election held February 11, 1889.]

SEC. 7. The Governor, Secretary of State, and Superintendent of Public Instruction shall, for the first four years, and until their successors are elected and qualified, constitute a Board of Regents, to control and manage the affairs of the University and the funds of the same, under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents, provide for the election of a new Board of Regents, and define their duties.

SEC. 8. The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said mining department in such manner as to make it most effective and useful; *provided*, that all the proceeds of the public lands donated by Act of Congress approved July second, A. D. eighteen hundred and sixty-two, for a college for the benefit of agriculture, the mechanic arts, and including military tactics, shall be invested by the said Board of Regents in a separate fund, to be appropriated exclusively for the benefit of the first named departments to the University, as set forth in section four above; and the Legislature shall provide that if, through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund, so that the principal of said fund shall remain forever undiminished.

SEC. 9. No sectarian instruction shall be imparted or tolerated in any school or University that may be established under this Constitution.

SEC. 10. No public funds of any kind or character whatever, State, county, or municipal, shall be used for sectarian purposes.

[Section 10 was added to Article XI by amendment. Proposed and passed at the Eighth Session of the Legislature, February 27, 1877, Statutes of 1877, page 221; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.]

ARTICLE XII.

MILITIA.

SECTION 1. The Legislature shall provide by law for *State militia*. organizing and disciplining the militia of this State, for the effectual encouragement of volunteer corps, and the safe keeping of the public arms.

SEC. 2. The Governor shall have power to call out the militia to execute the laws of the State, or to suppress insurrection or repel invasion.

Board of
Regents
constituted.

Providing
for organi-
zation of
University.

ARTICLE XIII.

PUBLIC INSTITUTIONS.

Sanitary and benevolent institutions fostered. SECTION 1. Institutions for the benefit of the insane, blind and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

State Prison. SEC. 2. A State Prison shall be established and maintained in such manner as may be prescribed by law; and provision may be made by law for the establishment and maintenance of a House of Refuge for Juvenile Offenders.

Relating to the indigent. SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortunes, may have claim upon the sympathy and aid of society.

ARTICLE XIV.

BOUNDARY.

Boundaries of State. SECTION 1. The boundary of the State of Nevada shall be as follows: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the State of California; thence in a northwesterly direction along said eastern boundary line of the State of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the State of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning. And whenever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the easterly border of the foregoing defined limits, not exceeding in extent one degree of longitude, the same shall thereupon be embraced within and become a part of this State. *And furthermore provided,* that all such territory lying west of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this State.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The Seat of Government shall be at Carson

City, but no appropriation for the erection or purchase of ^{Seat of} government. Capitol buildings shall be made during the next three years.

SEC. 2. Members of the Legislature, and all officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever. And I do further solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, nor been a second to either party, nor in any manner aided or assisted in such duel; nor been knowingly the bearer of such challenge or acceptance, since the adoption of the Constitution of the State of Nevada, and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel during my continuance in office. And further, that I will well and faithfully perform all the duties of the office of, on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury."

SEC. 3. No person shall be eligible to any office who is not a qualified elector under this Constitution. No person who, while a citizen of this State, has, since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or who has acted as second, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit, or trust, or enjoy the right of suffrage under this Constitution. The Legislature shall provide by law for giving force and effect to the foregoing provisions of this section; *provided*, that females over the age of twenty-one years, who have resided in this State one year, and in the county or district six months next preceding any election to fill either of said offices, shall be eligible to the offices of Superintendent of Public Schools and School Trustee.

[As amended. Proposed and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 162; agreed to and passed at the Fourteenth Session of the Legislature, January 17, 1889, Statutes of 1889, page 151, and approved and ratified by the people at a special election held February 11, 1889.]

SEC. 4. No perpetuities shall be allowed except for eleemosynary purposes. ^{Perpetuities.}

SEC. 5. The general election shall be held on the Tuesday next after the first Monday of November.

Legislature limited. SEC. 6. The aggregate number of members of both branches of the Legislature shall never exceed seventy-five.

SEC. 7. All county officers shall hold their offices at the county seat of their respective counties.

Publication of statutes and reports. SEC. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature, and such decisions of the Supreme Court as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person; *provided*, that no judgment of the Supreme Court shall take effect and be operative until the opinion of the Court in such case shall be filed with the Clerk of said Court.

Salaries may be increased or diminished. SEC. 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the officers whose salaries or compensation is fixed in this Constitution; *provided*, no such change of salary or compensation shall apply to any officer during the term for which he may have been elected.

Tenure of office limited. SEC. 10. All officers whose election or appointment is not otherwise provided for shall be chosen or appointed as may be prescribed by law.

Office at Capital. SEC. 11. The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment; but the Legislature shall not create any office, the tenure of which shall be longer than four years, except as herein otherwise provided in this Constitution.

Census taken, when. SEC. 12. The Governor, Secretary of State, State Treasurer, State Controller, and Clerk of the Supreme Court shall keep their respective offices at the seat of government.

Plurality a choice. SEC. 13. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, if deemed necessary, in A. D. eighteen hundred and sixty-five, A. D. eighteen hundred and sixty-seven, A. D. eighteen hundred and seventy-five, and every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in A. D. eighteen hundred and seventy, and every subsequent ten years, shall serve as the basis of representation in both houses of the Legislature.

SEC. 14. A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this Constitution.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if

the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become a part of the Constitution.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention to be held within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

ARTICLE XVII.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a permanent State Government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, including counties, towns and cities, shall continue as if no change had taken place; and all process which may issue under the authority of the Territory of Nevada, previous to its admission into the Union as one of the United States, shall be as valid as if issued in the name of the State of Nevada.

Acts of
Territory
made valid.

SEC. 2. All laws of the Territory of Nevada, in force at the time of the admission of this State, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the Legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Nevada, or to the people of the United States

in the Territory of Nevada, shall inure to the State of Nevada.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State government, shall remain valid, and shall pass to, and may be prosecuted in the name of the State, and all bonds executed to the Governor of the Territory, or to any other officer or court in his or their official capacity, or to the people of the United States in the Territory of Nevada, shall pass to the Governor, or other officer, or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on, and recovery had accordingly; and all property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, claims and debts of whatsoever description, and all records and public archives of the Territory of Nevada, shall issue to and vest in the State of Nevada, and may be sued for and recovered in the same manner and to the same extent by the State of Nevada, as the same could have been by the Territory of Nevada. All criminal prosecutions and penal actions, which may have arisen, or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Nevada, before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Nevada with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings which may be pending in any of the courts of the Territory of Nevada at the time of the change from a Territorial to a State government, may be continued and transferred to and determined by any court of the State which shall have jurisdiction of the subject matter thereof. All actions at law and suits in equity, and all other legal proceedings, which may be pending in any of the courts of the Territory of Nevada at the time of the change from a Territorial to a State government, shall be continued and transferred to, and may be prosecuted to judgment and execution, in any court of the State, which shall have jurisdiction of the subject matter thereof; and all books, papers and records, relating to the same shall be transferred in like manner to such court.

Civil actions
determined
by State
Courts.

Salaries of
State officers

SEC. 5. For the first term of office succeeding the formation of a State Government, the salary of the Governor shall be four thousand dollars per annum; the salary of the Secretary of State shall be three thousand six hundred dollars per annum; the salary of the State Controller shall be three thousand six hundred dollars per annum; the salary of the State Treasurer shall be three thousand six hundred dollars

Prosecutions
in name of
State.

per annum; the salary of the Surveyor-General shall be ^{Salaries of State officers} one thousand dollars per annum; the salary of the Attorney-General shall be two thousand five hundred dollars per annum; the salary of the Superintendent of Public Instruction shall be two thousand dollars per annum; the salary of each Judge of the Supreme Court shall be seven thousand dollars per annum. The salaries of the foregoing officers shall be paid quarterly, out of the State Treasury. The pay of State Senators and members of Assembly shall be eight dollars per day, for each day of actual service, and forty cents per mile for mileage going to and returning from the place of meeting. No officer mentioned in this section shall receive any fee or perquisites to his own use for the performance of any duty connected with his office, or for the performance of any additional duty imposed upon him by law.

SEC. 6. Until otherwise provided by law, the apportionment of Senators and Assemblymen in the different counties shall be as follows, to wit: Storey County, four Senators and twelve Assemblymen; Douglas County, one Senator and two Assemblymen; Esmeralda County, two Senators and four Assemblymen; Humboldt County, two Senators and three Assemblymen; Lander County, two Senators and four Assemblymen; Lyon County, one Senator and three Assemblymen; Lyon and Churchill Counties, one Senator jointly; Churchill County, one Assemblyman; Nye County, one Senator and one Assemblyman; Ormsby County, two Senators and three Assemblymen; Washoe and Roop Counties, two Senators and three Assemblymen.

^{Apportionment of.}

SEC. 7. All debts and liabilities of the Territory of Nevada, lawfully incurred, and which remain unpaid at the time of the admission of this State into the Union, shall be assumed by and become the debt of the State of Nevada; *provided*, that the assumption of such indebtedness shall not prevent the State from contracting the additional indebtedness, as provided in section three of Article IX of this Constitution.

^{Territorial debt assumed by State.}

[Sections 8 to 26, inclusive, are now only historical.]

SEC. 8. The term of State officers (except judicial) elected at the first election under this Constitution, shall continue until the Tuesday after the first Monday of January, A. D. eighteen hundred and sixty-seven, and until the election and qualification of their successors.

SEC. 9. The Senators to be elected at the first election under this Constitution shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six, and the term of the other half shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-eight; *provided*, that in drawing lots for all Senatorial terms, the Senatorial representation shall be allotted so that in the counties having two or more

Obsolete,
historical
only.

Senators, the terms thereof shall be divided, as nearly as may be, between the long and short terms.

SEC. 10. At the general election in A. D. eighteen hundred and sixty-six, and thereafter, the term of Senators shall be four years from the day succeeding such general election, and members of the Assembly for two years from the day succeeding such general election, and the terms of Senators shall be allotted by the Legislature in long and short terms, as hereinbefore provided, so that one-half the number, as nearly as may be, shall be elected every two years.

SEC. 11. The term of the members of the Assembly elected at the first general election under this Constitution shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-five; and the terms of those elected at the general election in A. D. eighteen hundred and sixty-five shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six.

SEC. 12. The first regular session of the Legislature shall commence on the second Monday of December A. D. eighteen hundred and sixty-four, and the second regular session of the same shall commence on the first Monday of January, A. D. eighteen hundred and sixty-six, and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

[Section 12 superseded by Section 2, Article IV.]

SEC. 13. All county officers under the laws of the Territory of Nevada at the time when the Constitution shall take effect, whose offices are not inconsistent with the provisions of this Constitution, shall continue in office until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified; and all township officers shall continue in office until the expiration of their terms of office, and until their successors are elected and qualified; *provided*, that the Probate Judges of the several counties, respectively, shall continue in office until the election and qualification of the District Judges of the several counties or judicial districts; *and provided further*, that the term of office of the present county officers of Lander County shall expire on the first Monday of January, A. D. eighteen hundred and sixty-five, except the Probate Judge of said county, whose term of office shall expire upon the first Monday of December, A. D. eighteen hundred and sixty-four, and there shall be an election for county officers of Lander County at the general election in November, A. D. eighteen hundred and sixty-four, and the officers then elected shall hold office from the first Monday of January, A. D. eighteen hundred and sixty-five, until the first Monday of January, A. D.

eighteen hundred and sixty-seven, and until their successors
are elected and qualified. Obsolete,
historical
only:

SEC. 14. The Governor, Secretary, Treasurer and Superintendent of Public Instruction of the Territory of Nevada shall each continue to discharge the duties of their respective offices after the admission of this State into the Union, and until the time designated for the qualification of the above-named officers to be elected under the State Government; and the Territorial Auditor shall continue to discharge the duties of his said office until the time appointed for the qualification of the State Controller; *provided*, that the said officers shall each receive the salaries, and be subject to the restrictions and conditions provided in this Constitution; *and provided further*, that none of them shall receive to his own use any fees or perquisites for the performance of any duty connected with his office.

SEC. 15. The terms of the Supreme Court shall, until provision be made by law, be held at such times as the Judges of the said Court, or a majority of them, may appoint. The first terms of the several District Courts (except as hereinafter mentioned) shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four. The first term of the District Court in the Fifth Judicial District shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four, in the County of Nye, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-five, in the County of Churchill. The terms of the Fourth Judicial District Court shall, until otherwise provided by law, be held at the county seat of Washoe County, and the first term thereof commence on the first Monday of December, A. D. eighteen hundred and sixty-four.

SEC. 16. The Judges of the several District Courts of this State shall be paid, as hereinbefore provided, salaries at the following rates per annum: First Judicial District (each Judge), six thousand dollars; Second Judicial District, four thousand dollars; Third Judicial District, five thousand dollars; Fourth Judicial District, five thousand dollars; Fifth Judicial District, thirty-six hundred dollars; Sixth Judicial District, four thousand dollars; Seventh Judicial District, six thousand dollars; Eighth Judicial District, thirty-six hundred dollars; Ninth Judicial District, five thousand dollars.

SEC. 17. The salary of any Judge in said judicial districts may, by law, be altered or changed, subject to the provisions contained in this Constitution.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, State Treasurer, State Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, and Superintendent of Public Instruction, to be elected at the first election under this Constitution, shall each qualify and enter upon the duties of their respective offices on the first Monday

Obsolete,
historical
only.

of December succeeding their election, and shall continue in office until the first Tuesday after the first Monday of January, A. D. eighteen hundred and sixty-seven, and until the election and qualification of their successors respectively.

SEC. 19. The Judges of the Supreme Court and District Judges to be elected at the first election under this Constitution shall qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election.

SEC. 20. All officers of State, and District Judges first elected under this Constitution shall be commissioned by the Governor of this Territory, which commission shall be countersigned by the Secretary of the same, and shall qualify, before entering upon the discharge of their duties, before any officer authorized to administer oaths under the laws of this Territory; and also the State Controller and State Treasurer shall each respectively, before they qualify and enter upon the discharge of their duties, execute and deliver to the Secretary of the Territory of Nevada an official bond, made payable to the people of the State of Nevada, in the sum of thirty thousand dollars, to be approved by the Governor of the Territory of Nevada, and shall also execute and deliver to the Secretary of State such other or further official bond or bonds as may be required by law.

SEC. 21. Each county, town, city, and incorporated village shall make provision for the support of its own officers subject to such regulations as may be prescribed by law.

SEC. 22. In case the office of any Justice of the Supreme Court, District Judge, or other State officer shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor, until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term.

SEC. 23. All cases, both civil and criminal, which may be pending and undetermined in the probate Courts of the several counties at the time when, under the provisions of this Constitution, said Probate Courts are to be abolished, shall be transferred to and determined by the District Courts of such counties respectively.

SEC. 24. For the first three years after the adoption of this Constitution, the Legislature shall not levy a tax for State purposes exceeding one per cent per annum on the taxable property in the State; *provided*, the Legislature may levy a special tax, not exceeding one-fourth of one per cent per annum, which shall be appropriated to the payment of the indebtedness of the Territory of Nevada assumed by the State of Nevada, and for that purpose only, until all of said indebtedness is paid.

SEC. 25. The County of Roop shall be attached to the

County of Washoe for judicial, legislative, revenue and county purposes until otherwise provided by law. Obsolete, historical only.

SEC. 26. At the first regular session of the Legislature to convene under the requirements of this Constitution, provision shall be made by law for paying for the publication of six hundred copies of the debates and proceedings of this Convention in book form, to be disposed of as the Legislature may direct; and the Hon. J. Neely Johnson, President of this Convention, shall contract for, and A. J. Marsh, Official Reporter of this Convention, under the direction of the President, shall supervise the publication of such debates and proceedings. Provision shall be made by law at such first session of the Legislature for the compensation of the official reporter of this convention, and he shall be paid in coin, or its equivalent. He shall receive, for his services in reporting the debates and proceedings, fifteen dollars per day during the session of the convention, and seven and one-half dollars additional for each evening session, and thirty cents per folio of one hundred words for preparing the same for publication; and for supervising and indexing such publication the sum of fifteen dollars per day during the time actually engaged in such service.

ARTICLE XVIII.

RIGHT OF SUFFRAGE.

SECTION 1. The rights of suffrage and office-holding shall not be withheld from any male citizen of the United States by reason of his color or previous condition of servitude. Right of suffrage not to be withheld.

[Article XVIII was proposed and passed at the Eighth Session of the Legislature, January 15, 1877, Statutes of 1877, page 213; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.

ARTICLE XIX.

INITIATIVE AND REFERENDUM.

SECTION 1. Whenever ten per centum or more of the voters of this State, as shown by the number of votes cast at the last preceding general election, shall express their wish that any law or resolution made by the Legislature be submitted to a vote of the people, the officers charged with the duty of announcing and proclaiming elections, and of certifying nominations, or questions to be voted on, shall submit the question of the approval or disapproval of said law or resolution to be voted on at the next ensuing election wherein a State or Congressional officer is to be voted for, or wherein any question may be voted on by the electors of the entire State. Laws to be submitted to people for approval or disapproval on petition of 10 per cent of voters.

SEC. 2. When a majority of the electors voting at a State election shall by their votes signify approval of a law or resolution, such law or resolution shall stand as the law of the State. Majority vote to approve or disapprove.

the State, and shall not be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority shall so signify disapproval the law or resolution so disapproved shall be void and of no effect.

[Article XIX was proposed and passed at the Twentieth Session of the Legislature, March 15, 1901, Statutes of 1901, page 139, agreed to and passed at the Twenty-first Session of the Legislature, March 3, 1903, and approved and ratified by the people at the general election of 1904.]

ELECTION ORDINANCE.

WHEREAS, The enabling Act passed by Congress and approved March twenty-first, A. D. eighteen hundred and sixty-four, requires that the Convention charged with the duty of framing a Constitution for a State Government "shall provide by ordinance for submitting said Constitution to the people of the Territory of Nevada for their ratification or rejection," on a certain day prescribed therein; therefore this Convention, organized in pursuance of said enabling Act, do establish the following

ORDINANCE.

Obsolete,
historical
only.

*SECTION 1. The Governor of the Territory of Nevada is hereby authorized to issue his proclamation for the submission of this Constitution to the people of said Territory, for their approval or rejection, on the day provided for such submission by Act of Congress; and this Constitution shall be submitted to the qualified electors of said Territory, in the several counties thereof, for their approval or rejection, at the time provided by such Act of Congress; and further, on the first Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, there shall be a general election in the several counties of said Territory for the election of State officers, Supreme and District Judges, members of the Legislature, Representative in Congress, and three Presidential Electors.

SEC. 2. All persons qualified by the laws of said Territory to vote for Representatives to the General Assembly on the said twenty-first day of March, including those in the army of the United States, both within and beyond the boundaries of said Territory, and also all persons who may, by the aforesaid laws, be qualified to vote on the first Wednesday of September, A. D. eighteen hundred and sixty-four, including those in the aforesaid army of the United States, within and without the boundaries of said Territory, may vote for the adoption or rejection of said Constitution, on the day last above named. In voting upon this Constitution each elector shall deposit in the ballot box a ticket, whereon shall be clearly written or printed "Constitution—Yes" or "Constitution—No," or such other words as shall clearly indicate the intention of the elector.

*This ordinance is now only historical.

SEC. 3. All persons qualified by the laws of said Territory to vote on the Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, including those in the army of the United States, within and beyond the boundaries of said Territory, may vote on the day last above named for State officers, Supreme and District Judges, members of the Legislature, Representative in Congress and three Presidential Electors to the Electoral College.

Obsolete,
historical
only.

SEC. 4. The election provided in this ordinance shall be held at such places as shall be designated by the Boards of Commissioners of the several counties in said Territory. The Judges and Inspectors of said elections shall be appointed by said Commissioners, and the said elections shall be conducted in conformity with the existing laws of said Territory in relation to holding the general election.

SEC. 5. The Judges and Inspectors of said elections shall carefully count each ballot immediately after said elections and forthwith make duplicate returns thereof to the Clerks of the said County Commissioners of their respective counties; and said Clerks, within fifteen days after said election, shall transmit an abstract of the votes, including the soldiers' vote, as herein provided, given for State officers, Supreme and District Judges, Representative in Congress and three Presidential Electors, enclosed in an envelope, by the most safe and expeditious conveyance, to the Governor of said Territory, marked "Election Returns."

SEC. 6. Upon the receipt of said returns, including those of the soldiers' vote, or within twenty days after the election, if said returns be not sooner received, it shall be the duty of the Board of Canvassers, to consist of the Governor, United States District Attorney and Chief Justice of said Territory, or any two of them, to canvass the returns in the presence of all who may wish to be present, and if a majority of all the votes given upon this Constitution shall be in its favor, the said Governor shall immediately publish an abstract of the same, and make proclamation of the fact in some newspaper in said Territory, and certify the same to the President of the United States, together with a copy of the Constitution and ordinance. The said Board of Canvassers, after canvassing the votes of the said November elections, shall issue certificates of election to such persons as were elected State officers, Judges of the Supreme and District Courts, Representative in Congress and three Presidential Electors. When the President of the United States shall issue his proclamation declaring this State admitted into the Union on an equal footing with the original States, this Constitution shall thenceforth be ordained and established as the Constitution of the State of Nevada.

SEC. 7. For the purpose of taking the vote of the electors of said Territory who may be in the army of the United States, the Adjutant-General of said Territory shall, on or

Obsolete,
historical
only.

before the fifth day of August next following, make out a list in alphabetical order, and deliver the same to the Governor, of the names of all the electors, residents of said Territory who shall be in the army of the United States, stating the number of the regiment, battalion, squadron, or battery to which he belongs, and also the county and township of his residence in said Territory.

SEC. 8. The Governor shall classify and arrange the aforesaid returned list, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron and battery from said Territory, in the service of the United States, and shall, on or before the fifteenth day of August following, transmit, by mail or otherwise, to the commanding officer of each regiment, battalion, squadron and battery, a list of electors belonging thereto, which said list shall specify the name, residence and rank of each elector and the company to which he belongs, if to any, and also the county and township to which he belongs, and in which he is entitled to vote.

SEC. 9. Between the hours of nine o'clock a. m. and three o'clock p. m., on each of the election days hereinbefore named, a ballot box or suitable receptacle for votes, shall be opened, under the immediate charge and direction of three of the highest officers in command, for the reception of votes from the electors whose names are upon said list, at each place where a regiment, battalion, squadron, or battery of soldiers from said Territory, in the army of the United States, may be on that day, at which time and place said elector shall be entitled to vote for all officers for which, by reason of their residence in the several counties in said Territory, they are authorized to vote, as fully as they would be entitled to vote in the several counties or townships in which they reside, and the votes so given by such electors, at such time and place, shall be considered, taken and held to have been given by them in the respective counties and townships in which they are resident.

SEC. 10. Each ballot deposited for the adoption or rejection of this Constitution, in the army of the United States, shall have distinctly written or printed thereon "Constitution—Yes," or "Constitution—No," or words of a similar import; and, further, for the election of State officers, Supreme and District Judges, members of the Legislature, Representative in Congress, and three Presidential Electors, the name and office of the person voted for shall be plainly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked upon the said list, at the time of voting, by one of the said officers having charge of the ballot box. The said officers having charge of the election shall count the votes and compare them with the checked lists immediately after the closing of the ballot box.

SEC. 11. All the ballots cast, together with the said voting list, checked as aforesaid, shall be immediately sealed up and sent forthwith to the Governor of said Territory, at Carson City, by mail or otherwise, by the commanding officer, who shall make out and certify duplicate returns of votes given, according to the forms hereinafter prescribed, seal up and immediately transmit the same to the said Governor, at Carson City, by mail or otherwise, the day following the transmission of the ballots and the voting list herein named. The said commanding officer shall also immediately transmit to the several County Clerks in said Territory, an abstract of the votes given at the general election in November, for county officers, marked "Election Returns."

SEC. 12 The forms of returns of votes to be made by the commanding officer to the Governor and County Clerks of said Territory shall be in substance as follows, viz:

Returns of soldiers' votes in the (here insert the regiment, detachment, battalion, squadron, or battery).

(For first election—On the Constitution.)

I,, hereby certify that on the first Wednesday of September, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert the name of the regiment, detachment, battalion, squadron, or battery) cast the following number of votes for and against the Constitution for the State of Nevada, viz:

For Constitution—(number of votes written in full and in figures).

Against Constitution—(number of votes written in full and in figures).

(Second election—For State and other officers.)

I,, hereby certify, that on the first Tuesday after the first Monday in November, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert as above) cast the following number of votes for the several officers and persons hereinafter named, viz:

For Governor—(names of persons voted for, number of votes for each person voted for, written in full, and also in figures, against the name of each person).

For Lieutenant-Governor—(names of candidates, number of votes cast for each written out and in figures as above).

Continue as above till the list is completed.

Attest: I. A. B.
Commanding officer of the (here insert regiment, detachment, battalion, squadron, or battery, as the case may be).

SEC. 13. The Governor of this Territory is requested to furnish each commanding officer, within and beyond the boundaries of said Territory, proper and sufficient blanks for said returns.

SEC. 14. The provisions of this ordinance in regard to the soldiers' vote shall apply to future elections under this Con-

stitution, and be in full force until the Legislature shall provide by law for taking the votes of citizens of said Territory in the army of the United States.

Done in Convention, at Carson City, the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-ninth, and signed by the delegates.

J. NEELY JOHNSON,
President of the Convention and Delegate from Ormsby County.

WM. M. GILLESPIE, Secretary.

List of
delegates
to Consti-
tutional
Convention.

Henry B. Brady.....	Delegate from Washoe County
E. F. Dunne.....	Delegate from Humboldt County
J. G. McClinton.....	Delegate from Esmeralda County
G. N. Folsom.....	Delegate from Washoe County
F. H. Kennedy.....	Delegate from Lyon County
W. W. Belden.....	Delegate from Washoe County
F. M. Proctor.....	Delegate from Nye County
Albert T. Hawley.....	Delegate from Douglas County
Geo. L. Gibson.....	Delegate from Ormsby County
F. Taglialabue.....	Delegate from Nye County
Wm. Wetherill.....	Delegate from Esmeralda County
John A. Collins.....	Delegate from Storey County
Jas. A. Banks.....	Delegate from Humboldt County
J. S. Crosman.....	Delegate from Lyon County
Saml. A. Chapin.....	Delegate from Storey County
C. M. Brosnan.....	Delegate from Storey County
John H. Kinkead.....	Delegate from Ormsby County
Geo. A. Hudson.....	Delegate from Lyon County
Israel Crawford.....	Delegate from Ormsby County
A. J. Lockwood.....	Delegate from Ormsby County
H. G. Parker.....	Delegate from Lyon County
J. H. Warwick.....	Delegate from Lander County
C. E. DeLong.....	Delegate from Storey County
Lloyd Frizell.....	Delegate from Storey County
Geo. A. Nourse.....	Delegate from Washoe County
R. S. Mason.....	Delegate from Esmeralda County
Almon Hovey.....	Delegate from Storey County
Thomas Fitch.....	Delegate from Storey County
J. W. Haines.....	Delegate from Douglas County

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CERTIFICATE.

STATE OF NEVADA, }
DEPARTMENT OF STATE. } ss.

I, W. G. Douglass, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the existing Constitution of the State of Nevada, as the same appears in the enrolled Acts in my office.



IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the Great Seal of State, at my office in Carson
City, Nevada, this 3d day of April, A. D. 1905.

W. G. DOUGLASS,
Secretary of State.

STATE TREASURER'S REPORT FOR 1903.

**OFFICE OF THE STATE TREASURER,
CARSON CITY, NEVADA, December 31, 1903.**

HON. JOHN SPARKS, Governor of the State of Nevada.

DEAR SIR: In compliance with law I herewith transmit my annual report showing the financial transactions of the State during the year 1903. Yours, very respectfully,

**D. M. RYAN,
State Treasurer.**

REPORT OF STATE TREASURER FOR 1903.

EXHIBIT A.
Apportionment of Cash in Treasury, January 1, 1903.

Date.	Apportioned To.	Totals.	Total.
1903.	Balance in Treasury, January 1, 1903		\$280,394.08
Jan. 1	<i>Apportioned as follows:</i>		
	General Fund.....	\$127,355.82	
	State School Fund.....	23,531.00	
	General School Fund.....	56,278.64	
	State Interest and Sinking Fund.....	13,433.88	
	Territorial Interest Fund.....	15,067.96	
	State University Interest and Sinking Fund, 1896.....	1,786.46	
	State University Interest and Sinking Fund, No. 1.....	1,488.87	
	State University Interest and Sinking Fund, No. 2.....	1,784.71	
	State University Fund.....	1,781.32	
	Interest Account, 90,000-Acre Grant.....	50.60	
	State Orphans' Home Fund.....	988.71	
	State Prison Fund.....	2,887.76	
	Indigent Insane Fund.....	3,881.59	
	State Library Fund.....	5,383.24	
	Judicial Salaries' Salary Fund.....	1,312.50	
	District Judges' Salary Fund.....	3,237.53	
	Contingent University Fund.....	5,302.51	
	University Fund, 90,000-Acre Grant.....	5,355.76	
	Fire Insurance Fund.....	7,986.69	
	Contingent University Laboratory Fund.....	1,888.15	
	Contingent University Hospital Fund.....	770.40	
			\$280,394.08

REPORT OF STATE TREASURER FOR 1903.

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EXHIBIT B
Showing Receipts for the Year 1903.

Date.	Sources of Revenue.	Apportioned To.	Amount.	Total.
Jan. 1, 1903.				
Cash on hand	General Fund		\$5,827.45	\$280,394.08
Insurance licenses	General Fund		438.30	
Supreme Court fees	General Fund		479.23	
Sale of Statutes	General Fund		8,781.80	
Secretary of State fees	General Fund		283.87	
Spanish War claims	General Fund		1.00	
Rent of University ground	General Fund		10.00	
Miscellaneous receipts	General Fund		15,856.65	
Sale of State School lands	State School Fund		\$56,396.38	
Interest on United States 4 per cent bonds	State School Fund		6,647.18	
Interest on Massachusetts State 3 and 3½ per cent bonds	State School Fund		115.00	
5 per cent commission on sale of public lands	State School Fund		628.88	
Interest on deferred land payments	General School Fund		\$72,106.53	
Interest on United States 4 per cent bonds	General School Fund		16,065.40	
Interest on Massachusetts State 3 and 3½ per cent bonds	General School Fund		10,447.40	
Interest on Nevada 4 and 5 per cent bonds	General School Fund		25,100.00	
Interest on deferred land payments	Interest Account, 90,000-Acre Grant		\$657.29	
Interest on United States 4 per cent bonds	Interest Account, 90,000-Acre Grant		780.00	
Interest on Massachusetts State 3 and 3½ per cent bonds	Interest Account, 90,000-Acre Grant		682.50	
Interest on Nevada 4 per cent bonds	Interest Account, 90,000-Acre Grant		2,160.00	
Sale of land, University 90,000-Acre Grant	University Fund, 90,000-Acre Grant		4,229.79	
Sale of University land	State University Fund		945.75	
Interest on deferred land payments	Contingent University Fund		40.00	
Interest on United States 4 per cent bonds	Contingent University Fund		40.00	
Interest on Massachusetts State 3 and 3½ per cent bonds	Contingent University Fund		35.00	
Interest on Nevada 4 per cent bonds	Contingent University Fund		1,344.00	
Attorneys' licenses	State Library Fund		\$250.00	
Secretary of State fees	State Library Fund		5,626.85	
Sale of Reports	State Library Fund		236.21	
Carried forward			6,113.06	
			\$497,115.57	

Receipts—Continued.

Date.	Sources of Revenue.	Apportioned To.	Amount.	Total.
1903.	Brought forward.....	Judicial Salary Fund.....	\$497,115.57	
	Docket tax, Supreme Court.....	Indigent Insane Fund.....	50.00	
	Board of patients for Mental Diseases.....	Orphans' Home Fund.....	685.50	
	Board of children at Orphans' Home.....	State Prison Fund.....	709.00	
	Board of United States prisoners.....	Orphans' Home Building Fund.....	695.15	
	From bond issue Nevada State bonds.....		10,000.00	
	County payments to District Judges' Salary Fund:			
	Churchill County.....	District Judges' Salary Fund.....	\$448.00	
	Douglas County.....	District Judges' Salary Fund.....	500.00	
	Elko County.....	District Judges' Salary Fund.....	3,178.00	
	Esmeralda County.....	District Judges' Salary Fund.....	505.00	
	Eureka County.....	District Judges' Salary Fund.....	1,026.00	
	Humboldt County.....	District Judges' Salary Fund.....	2,400.00	
	Lander County.....	District Judges' Salary Fund.....	1,329.00	
	Lincoln County.....	District Judges' Salary Fund.....	922.00	
	Lyon County.....	District Judges' Salary Fund.....	715.00	
	Nye County.....	District Judges' Salary Fund.....	1,045.00	
	Ormsby County.....	District Judges' Salary Fund.....	980.00	
	Storey County.....	District Judges' Salary Fund.....	1,300.00	
	Washoe County.....	District Judges' Salary Fund.....	3,552.00	
	White Pine County.....	District Judges' Salary Fund.....	400.00	
	Dec. 31. County settlements.....	General School Fund.....	\$11,976.99	
		State Interest and Sinking Fund.....	14,245.47	
		Territorial Interest Fund.....	18,718.70	
		State University Interest and Sinking Fund, 1895.....	2,495.82	
		State University Interest and Sinking Fund, No. 1.....	1,766.06	
		State University Interest and Sinking Fund, No. 2.....	186,064.62	
		General Fund.....	4,067.63	
		State School Fund.....	14,464.43	
		Contingent University Fund.....	1,456.69	
		Contingent University Laboratory Fund.....	582.68	
		Contingent University Hospital Fund.....	1,382.17	
		State Orphans' Home Interest and Sinking Fund.....	250,487.32	
				\$787,642.54
	Total cash and receipts.....			

EXHIBIT C
Showing Receipts by Months During 1903.

Sources of Revenue.	January.	February.	March.	April.	May.	June.
\$ale of State School lands.....	\$4,951.44	\$4,247.37	\$3,252.91	\$4,444.11	\$2,517.30	\$5,630.48
Sale of University 90,000-Acre Grant land.....	80.00	.....	160.00	238.91	.....	60.00
Sale of State University land.....	.....	.....	.....	.....	40.00	.....
Interest on deferred land payments, State School land.....	3,129.12	2,494.03	6,033.39	9,617.24	5,108.58	6,156.47
Interest on deferred land payments, University 90,000-Acre Grant	34.83	20.04	119.11	100.33	28.80	32.64
Interest on deferred land payments, University land.....	13.33	17.07	36.26	42.34	83.51	82.52
Interest on deferred land payments, University of Nevada 4 and 5 per cent bonds.....	14,302.00	.....	.....	.....	.....	.....
Interest on United States 4 per cent bonds.....	6,836.30	2,145.70	.....	6,836.30	3,472.88	.....
Interest on Massachusetts State 3 per cent bonds.....	.....	.....	.....	.....	.....	.....
Interest on Massachusetts State 3½ per cent bonds.....	263.87	.....	.....	.....	.....	.....
Spanish War claims.....	3,305.00	1,412.50	305.00	505.00	176.60	83.35
Insurance licenses.....	.....	.....	.....	.....	44.40	68.00
Receipts, Orphans' Home.....	23.00	170.00	99.10	45.00	.....	220.00
Receipts, Nevada State Prison.....	.....	45.00	.....	31.05	10.00	.....
Receipts, Hospital for Mental Diseases.....	.....	.....	.....	140.00	882.15	.....
Fees of Clerk of Supreme Court.....	.....	.....	.....	127.32	75.48	.....
Docket tax, Clerk of Supreme Court.....	.....	.....	.....	.....	15,145.89	68,442.50
Attorneys' fees, Supreme Court.....	.....	.....	.....	1.00	2,434.25	230.50
Fee of Secretary of State.....	.....	.....	.....	.....	.....	700.00
Sale of Statutes.....	.....	.....	.....	.....	.....	.....
Sale of Reports.....	.....	.....	628.88	.....	.....	.....
County settlements.....	5,376.15	.....	.....	.....	.....	.....
Miscellaneous receipts.....	8,430.75	.....	.....	.....	.....	.....
District Judges' salary payments.....	.....	.....	.....	.....	.....	.....
Five per cent commission on sale of public land.....	.....	.....	.....	.....	.....	.....
Purchase of Orphans' Home bonds.....	.....	.....	.....	.....	.....	.....
Totals	\$46,745.79	\$10,552.21	\$10,634.65	\$25,550.48	\$26,808.46	\$81,473.96

REPORT OF STATE TREASURER FOR 1903.

Receipts by Months—Continued.

Sources of Revenue.	July.	August.	September.	October.	November.	December.	Totals.
Sale of State School lands.....	\$2,330.87	\$3,085.48	\$13,214.50	\$4,125.94	\$7,801.46	\$784.72	\$56,396.58
Sale of University 90,000-Acre Grant land.....	6.29	159.80	220.75	20.00	.....	60.00	945.75
Sale of State University land.....	.....	.....	.....	.....	.....	40.00	40.00
Interest on deferred land payments, State School land.....	11,205.97	8,299.54	4,886.29	3,407.56	7,188.56	4,619.78	72,106.53
Interest on deferred land payments, University 90,000-Acre Grant.....	115.24	62.37	24.00	26.40	26.66	26.37	637.29
Interest on deferred land payments, University land.....	38.98	26.40	46.51	39.75	34.40	19.20	28,604.00
Interest on Nevada 4 and 5 per cent bonds.....	14,302.00	2,145.70	.....	.....	2,145.70	.....	23,582.58
Interest on United States 4 per cent bonds.....	8,039.00	.....	3,300.90	.....	.....	.....	8,039.00
Interest on Massachusetts State 3 per cent bonds.....	.....	.....	.....	.....	.....	.....	3,300.90
Interest on Massachusetts State 3½ per cent bonds.....	.....	.....	.....	.....	.....	.....	263.87
Spanish War claims.....	.....	.....	.....	.....	.....	.....	.....
Insurance licenses.....	.....	.....	.....	.....	.....	.....	5,827.45
Receipts, Orphans' Home.....	.....	.....	.....	.....	.....	.....	709.00
Receipts, Nevada State Prison.....	.....	.....	.....	.....	.....	10.50	10.50
Receipts, Hospital for Mental Diseases.....	45.00	.....	.....	217.50	90.00	.....	695.15
Fees of Clerk of Supreme Court.....	.....	.....	.....	145.45	.....	.....	685.50
Docket tax, Clerk of Supreme Court.....	.....	.....	.....	36.00	.....	.....	218.30
Attorneys' fees, Supreme Court.....	.....	.....	.....	315.00	.....	.....	525.00
Fees of Secretary of State.....	9,065.80	.....	.....	2,346.25	.....	2,125.45	14,408.65
Sale of Statutes.....	167.11	.....	.....	135.80	.....	2,49.00	479.23
Sale of Reports.....	20.00	.....	.....	80.00	.....	60.73	236.21
County settlements.....	8,615.41	.....	.....	.....	214.90	163,470.55	251,265.00
Miscellaneous receipts.....	.....	.....	.....	.....	.....	.....	11.00
District Judges' salary payments.....	3,767.75	325.00	.....	10.00	2,182.25	.....	628.88
Five per cent commission on sale of public land.....	.....	.....	10,000.00	.....	.....	.....	10,000.00
Purchase of Orphans' Home bonds.....	.....	.....	10,000.00	.....	.....	.....	.....
Totals	\$67,709.42	\$14,108.29	\$32,432.45	\$13,341.05	\$17,536.28	\$162,102.10	\$499,026.14

EXHIBIT D
Showing Disbursements for the Year 1903.

Date.	Paid From.	Paid For.	Amount.	Total.
1903.	Dec. 31. General Fund.....			
		Salary of Governor.....	\$3,666.70	
		Salary of Lieutenant-Governor	1,650.00	
		Salary of Secretary of State.....	2,200.00	
		Salary of State Controller.....	2,400.00	
		Salary of State Treasurer.....	2,400.00	
		Salary of Attorney-General.....	2,000.00	
		Salary of Governor's Private Secretary	1,418.60	
		Salary of Deputy Secretary of State.....	1,393.60	
		Salary of Deputy State Controller.....	1,418.60	
		Salary of Deputy State Treasurer.....	1,618.60	
		Salary of Superintendent of State Printing.....	2,000.00	
		Salary of Supreme Court Reporter.....	650.00	
		Salary of Director of Weather Service.....	300.00	
		Salary of Clerk of State Library.....	776.10	
		Salary of Examiner of War Claims.....	250.00	
		Salary of Janitor, Watchman and Gardener.....	3,487.40	
		Support of printing.....	10,415.92	
		Support of bookbinding.....	2,838.54	
		Advertising and publishing Supreme Court decisions.....	600.00	
		Salary of teachers, Orphans' Home.....	1,290.00	
		Deficiencies 1901-1902.....	1,677.34	
		Relief of P. B. Ellis.....	100.00	
		Relief of Wm. Kinney.....	380.00	
		Relief of T. L. Oddle and W. Brougher.....	300.00	
		Relief of Mrs. Geo. T. Davis.....	100.00	
		Relief of State Board of Agriculture.....	4,829.66	
		Relief of Battery A. N. N. G.....	90.00	
		Relief of Wells, Fargo & Co.....	31.76	
		Relief of California Institute Deaf, Dumb and Blind	30.46	
		Relief of W. Bowen.....	450.00	
		Salary of Bailiff of the Supreme Court.....	136.00	
		New material for State Printing Office.....	2,261.21	
		Repairing roof of State Printing Office.....	13.00	
		Repairing State Prison.....	1,462.52	
		Repairing Hospital for Mental Diseases.....	2,498.90	
		Carried forward.....		\$56,944.41

Disbursements—Continued.

Date.	Paid From.	Paid For.	Amount.	Total.
1903. Dec. 31.	Brought forward General Fund			
		Electric alarms for State Prison.....	\$56,944.41	
		Support of deaf, dumb and blind.....	205.85	
		Traveling expenses of District Judges.....	2,271.22	
		Stationery, fuel and lights.....	1,058.90	
		Current expenses.....	2,105.66	
		Election expenses.....	3,046.30	
		Capitol grounds.....	16.00	
		Insurance on State Capitol.....	1,086.24	
		Printing Nevada Reports.....	2,000.00	
		Payment of rewards.....	1,386.92	
		State Board of Health.....	250.00	
		Board of Assessors.....	185.45	
		Completing Hospital for Mental Diseases.....	851.55	
		Cleaning arms.....	2,493.26	
		Irrigation.....	158.23	
		St. Louis Exposition.....	3,472.59	
		Virginia City School of Mines.....	5,844.86	
		Care of G. A. R. Cemetery.....	828.88	
		Legislative Hall uses.....	100.00	
		Salary of attorney at Washington.....	211.33	
		Extra meals at Orphans' Home.....	375.00	
		Measurement of streams.....	25.90	
		Paper for 26th Nevada Reports (appropriation of 1901-2).....	182.19	
		Compiling and indexing Nevada Reports.....	240.37	
		Revenue Examiner.....	500.00	
			538.35	
				\$86,393.26
		Support of Common Schools.....	\$132,898.44	
		Salary of Superintendent of Public Instruction.....	2,000.00	
		Traveling expenses of Superintendent of Public Instruction.....	135.85	
		Teachers' Institute.....	12.50	
				135,046.79
		Salaries of District Judges.....	20,400.00	
		Withdrawals of special deposits.....	\$320.20	
		Salary of Surveyor-General.....	2,400.00	
		Salary of Deputy Surveyor-General.....	1,286.60	
		Salary of Draughtsman.....	1,318.60	
		Salary of Clerks.....	1,176.88	
	District Judges' Salary Fund.....			
	State School Fund.....			

REPORT OF STATE TREASURER FOR 1903.

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Purchase of township plats.....	174.00	
Purchase of Nevada State bonds.....	10,000.00	
Purchase account Interest Massachusetts State bonds.....	2,947.90	
Withdrawals of special deposits.....		
Support of State Library.....	19,731.18	
Salary of Supreme Judges.....	10.00	
Support of Orphans' Home.....	1,273.65	
Support of State Prison.....	13,687.50	
Support of State University.....		
Interest on State University bonds.....	15,296.48	
Interest on bonds of State Prison.....	31,988.82	
Interest on bonds of State Hospital for Mental Diseases.....	41,986.02	
Interest on bonds of State University.....	3,345.00	
Interest on bonds of State University.....	11,747.67	
Interest on bonds of Orphans' Home.....	480.00	
Interest on bonds of State Prison.....	140.00	
Interest on bonds of State Hospital.....	1,200.00	
Interest on bonds of State Hospital for Mental Diseases.....	120.00	
Interest on bonds of State University.....	120.00	
Interest on bonds of State University.....	19,000.00	
Interest on 5 per cent bond.....	7,644.00	
Interest on 4 per cent bonds.....	4,631.37	
Building Orphans' Home.....	8,423.85	
Building Orphans' Home.....	36,323.00	
Legislature, Twenty-first Session		
Total disbursements.....	\$458,887.59	

REPORT OF STATE TREASURER FOR 1903.

EXHIBIT E
Showing Receipts and Disbursements for the Year 1903.

	Funds.	Receipts.	Disbursements.
General Fund.....		\$201,921.27	\$86,393.26
State School Fund.....		67,955.27	19,731.18
General School Fund.....		135,686.32	135,046.79
State Interest and Sinking Fund.....		14,245.47	7,644.00
Territorial Interest Fund.....		18,718.70	19,000.00
State University Interest and Sinking Fund, 1895.....		2,495.82	1,200.00
State University Interest and Sinking Fund, No. 1.....		1,766.06	120.00
State University Interest and Sinking Fund, No. 2.....		1,766.06	120.00
State Library Fund.....		6,113.06	1,273.65
Judicial Salary Fund.....		50.00	13,687.50
Orphans' Home Fund.....		709.00	15,296.48
State Prison Fund.....		695.15	31,958.82
Indigent Insane Fund.....		685.50	41,995.02
University Fund, 90,000-Acre Grant Interest Account, 90,000-Acre Grant.....		945.75	10.00
State University Fund.....		4,259.79	3,345.00
Contingent University Fund.....		16,40.00	16,333.70
District Judges' Salary Fund.....		18,900.00	11,747.67
Contingent University Laboratory Fund.....		1,446.68	20,400.00
Contingent University Hospital Fund.....		582.68	480.00
Fire Insurance Fund.....			140.00
State Orphans' Home Building Fund.....			4,651.37
State Orphans' Home Interest and Sinking Fund.....			8,423.85
Legislative Fund.....			36,323.00
Totals.....		\$607,248.46	\$458,887.59

EXHIBIT F
Showing Transfers During the Year 1903.

1903.		
Dec. 31.....	From General Fund to Judicial Salary Fund.....	\$13,450.00
	From General Fund to State Orphans' Home Fund.....	13,832.87
	From General Fund to State Prison Fund.....	28,776.22
	From General Fund to Indigent Insane Fund.....	37,768.96
	From General Fund to Legislative Fund.....	40,000.00
	Total.....	\$133,828.05
	From Legislative Fund to General Fund.....	\$3,677.00

EXHIBIT G
**Showing Balance on Hand January 1, 1903, and Receipts During 1903; also,
Disbursements and Balance on Hand December 31, 1903.**

1903.		\$280,394.08
Dec. 31.....	Balance on hand January 1, 1903.....	507,248.46
	Received during 1903.....	
	Disbursed during 1903.....	\$787,642.54
	Balance in Treasury December 31, 1903.....	458,887.59
	<i>Appportioned as follows:</i>	
	General Fund.....	\$112,712.78
	State School Fund.....	71,755.09
	General School Fund.....	55,928.17
	State Interest and Sinking Fund.....	20,155.15
	Territorial Interest and Sinking Fund.....	14,786.66
	University Interest and Sinking Fund, 1895.....	3,092.27
	University Interest and Sinking Fund, No. 1.....	3,104.93
	University Interest and Sinking Fund, No. 2.....	3,430.77
	State University Fund.....	1,831.52
	Interest Account, 90,000-Acre Grant.....	965.39
	Orphans' Home Fund.....	184.10
	State Prison Fund.....	410.30
	Indigent Insane Fund.....	291.05
	State Library Fund.....	10,202.65
	Judicial Salary Fund.....	1,125.00
	Contingent University Fund.....	9,918.54
	Contingent University Laboratory Fund.....	2,804.84
	Contingent University Hospital Fund.....	1,213.08
	University Fund, 90,000-Acre Grant.....	6,301.51
	Orphans' Home Building Fund.....	1,576.15
	Orphans' Home Interest and Sinking Fund.....	1,882.17
	Fire Insurance Fund.....	3,345.32
	District Judges' Salary Fund.....	1,737.53
	Total.....	\$328,754.95

EXHIBIT H

**Showing Annual (Unapportioned County Settlements) Remaining to Credit Account of
the Several Counties, January 1, 1904.**

County.	Amount.
Nye County.....	\$0.10.

EXHIBIT I

Showing County Settlements in 1903.

Counties	February.	June.	September.	December.	Totals.
Churchill County.....		\$871.96		\$7,829.95	\$8,699.91
Douglas County.....		2,912.91		4,029.61	6,942.52
Elko County.....		17,692.15		40,764.76	58,456.91
Esmeralda County.....		2,337.37		4,304.54	6,641.94
Eureka County.....		4,990.49		7,007.14	11,997.63
Humboldt County.....		17,508.50		24,682.02	42,190.52
Lander County.....		4,150.75		5,775.26	9,926.01
Lincoln County.....			\$634.94		634.94
Lyon County.....		5,195.86		8,678.63	13,874.49
Nye County.....	\$8,222.42	3,657.24		6,345.73	18,225.39
Ormsby County.....		3,601.77		5,503.13	9,104.90
Storey County.....		2,634.42		5,102.36	7,736.78
Washoe County.....		21,409.49		37,874.96	59,284.45
White Pine County.....		2,001.63		3,769.33	5,770.96
Totals.....	\$8,222.42	\$88,964.54	\$634.94	\$161,665.42	\$259,487.32

EXHIBIT J

Showing Warrants Outstanding January 1, 1903; Warrants Drawn, Registered, Paid and Returned to Controller During the Year; also Warrants Outstanding December 31, 1903.

Funds.	Outstanding January 1, 1903.	Warrants drawn and registered 1903.	Warrants paid, can- celed and returned.	Warrants outstanding December 31, 1903.
General Fund.....	\$6,277.03	\$86,664.77	\$86,393.26	\$6,548.54
State School Fund.....	400.08	19,981.18	19,731.18	650.08
General School Fund.....	3,339.65	138,242.06	135,046.79	6,534.92
State Interest and Sinking Fund.....		7,544.00	7,544.00	
Territorial Interest Fund.....		19,000.00	19,000.00	
University Interest and Sinking Fund, 1895.....		1,200.00	1,200.00	
University Interest and Sinking Fund, No. 1.....		120.00	120.00	
University Interest and Sinking Fund, No. 2.....		120.00	120.00	
State Library Fund.....	200.38	1,079.27	1,273.65	6.00
Judicial Salary Fund.....	1,312.50	13,500.00	13,687.50	1,125.00
Orphans' Home Fund.....	938.71	14,541.87	15,296.48	184.10
State Prison Fund.....	2,897.75	29,471.37	31,958.82	410.30
Indigent Insane Fund.....	3,831.59	38,454.46	41,995.02	291.03
Interest Account, 90,000-Acre Grant.....		3,345.09	3,345.00	
Contingent University Fund.....	3.00	11,744.67	11,749.67	
Contingent University Laboratory Fund.....		480.00	480.00	
Contingent University Hospital Fund.....		140.00	140.00	
District Judges' Salary Fund.....	3,075.20	18,900.00	20,400.00	1,575.20
Fire Insurance Fund.....	22.50	4,651.20	4,651.37	22.33
Orphans' Home Building Fund.....		8,423.85	8,423.85	
University Fund, 90,000-Acre Grant.....		10.00	10.00	
Legislative Fund.....		36,323.00	36,323.00	
Totals.....	\$22,298.39	\$453,936.70	\$458,887.59	\$17,347.50

EXHIBIT K
Showing List of United States Bonds, Massachusetts State Bonds and Nevada State Bonds Held by the Several Funds.

Date.	Funds.	Description of Bonds.	Amount.	Total.
1903,				
Dec. 31	State School Fund.....	Nevada, 5 per cent bond..... Nevada, 4 per cent bonds..... Massachusetts State 3 and 3½ per cent bonds..... United States 4 per cent bonds.....	\$380,000.00 162,500.00 685,000.00 215,000.00	\$1,442,500.00
	University Fund, 90,000-Acre Grant.....	Nevada, 4 per cent bonds..... Massachusetts State 3½ per cent bonds.....	\$54,000.00 39,000.00	93,000.00
	State University Fund.....	Nevada, 4 per cent bonds..... Massachusetts State 3½ per cent bonds.....	\$33,600.00 2,000.00	35,600.00
	Total			\$1,571,100.00

EXHIBIT L
Showing Outstanding Nevada Bonds, December 31, 1903.

Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Pr. Rate Ct.	Amount.	Total.
State School Fund.....	Nevada 5 per cent bond. 5 bonds, 138 to 142, inclusive..... 10 bonds, 143 to 152, inclusive..... 30 bonds, 9 to 38, inclusive..... 20 bonds, 1 to 20, inclusive..... 8 bonds, 41 to 48, inclusive..... 20 bonds, 21 to 40, inclusive..... 3 bonds, 4 to 6, inclusive..... 25 bonds, 1 to 25, inclusive..... 10 bonds, 26 to 35, inclusive..... 3 bonds, 36 to 38, inclusive..... 3 bonds, 10 to 12, inclusive..... 7 bonds, 1, 10, 7, inclusive, \$300 each..... 12 bonds, 1 to 12, inclusive..... 10 bonds, 1 to 10, inclusive.....	Apr. 1, 1879..... Sept. 30, 1893..... Oct. 31, 1893..... Apr. 1, 1895..... Sept. 2, 1895..... Nov. 30, 1895..... Oct. 31, 1895..... Apr. 7, 1897..... Aug. 1, 1897..... Oct. 31, 1897..... Nov. 30, 1897..... Nov. 30, 1897..... Oct. 1, 1901..... Oct. 1, 1901..... Sept. 2, 1903.....	Irredeemable..... 10 years..... 10 years..... 20 years..... 10 years..... 10 years..... 10 years..... 20 years..... 10 years..... 10 years..... 10 years..... 10 years..... 20 years..... 20 years..... 20 years..... 20 years.....	Jan. and July..... Jan. and July.....	5 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	\$5,000.00 10,000.00 30,000.00 20,000.00 8,000.00 20,000.00 3,000.00 25,000.00 10,000.00 3,000.00 3,000.00 3,500.00 12,000.00 10,000.00	\$380,000.00
University Fund, 90,000.....	38 bonds, 1 to 38, inclusive..... 2 bonds, 5 to 6, inclusive..... 2 bonds, 7 to 8, inclusive..... 1 bond, No. 11..... 5 bonds, 7 to 11, inclusive..... 1 bond, No. 14..... 3 bonds, 12 to 14, inclusive..... 1 bond, No. 18..... 1 bond, No. 19.....	May 1, 1900, 10 Nov. 11, 1900..... Sept. 30, 1893..... Dec. 30, 1893..... Feb. 28, 1894..... Oct. 1, 1895..... May 31, 1894..... April 1, 1896..... May 7, 1897..... June 21, 1897.....	10 years..... 10 years..... 10 years..... 10 years..... 10 years..... 10 years..... 10 years..... 10 years..... 10 years..... 10 years.....	Jan. and July..... Jan. and July.....	4 4 4 4 4 4 4 4 4 4	\$38,000.00 2,000.00 2,000.00 1,000.00 5,000.00 1,000.00 3,000.00 1,000.00 1,000.00	45,000.00

State University Fund.....	3 bonds, 1 to 3, inclusive.....	May 1, 1893.....	10 years.....	4 \$3,000.00
	1 bond, No. 4.....	June 30, 1893.....	10 years.....	1,000.00
	2 bonds, 9 to 10, inclusive.....	Dec. 30, 1893.....	10 years.....	2,000.00
	1 bond, No. 12.....	Apr. 21, 1894.....	10 years.....	1,000.00
	1 bond, No. 13.....	May 31, 1894.....	10 years.....	1,000.00
	1 bond, No. 15.....	Oct. 31, 1894.....	10 years.....	1,000.00
	2 bonds, 16 to 17, inclusive.....	Nov. 30, 1894.....	10 years.....	2,000.00
	2 bonds, 18 to 20, inclusive.....	Mar. 30, 1895.....	10 years.....	3,000.00
	5 bonds, 1 to 5, inclusive.....	June 1, 1895.....	10 years.....	5,000.00
	1 bond, No. 6.....	Oct. 1, 1895.....	10 years.....	1,000.00
	2 bonds, 15 to 16, inclusive.....	July 1, 1896.....	10 years.....	2,000.00
	1 bond, No. 17.....	May 7, 1897.....	10 years.....	1,000.00
	1 bond, No. 20.....	June 21, 1897.....	10 years.....	600.00
	10 bonds, 21 to 30 inclusive.....	Jan. 22, 1898.....	10 years.....	10,000.00
	Total.....			33,600.00
				\$330,100.00



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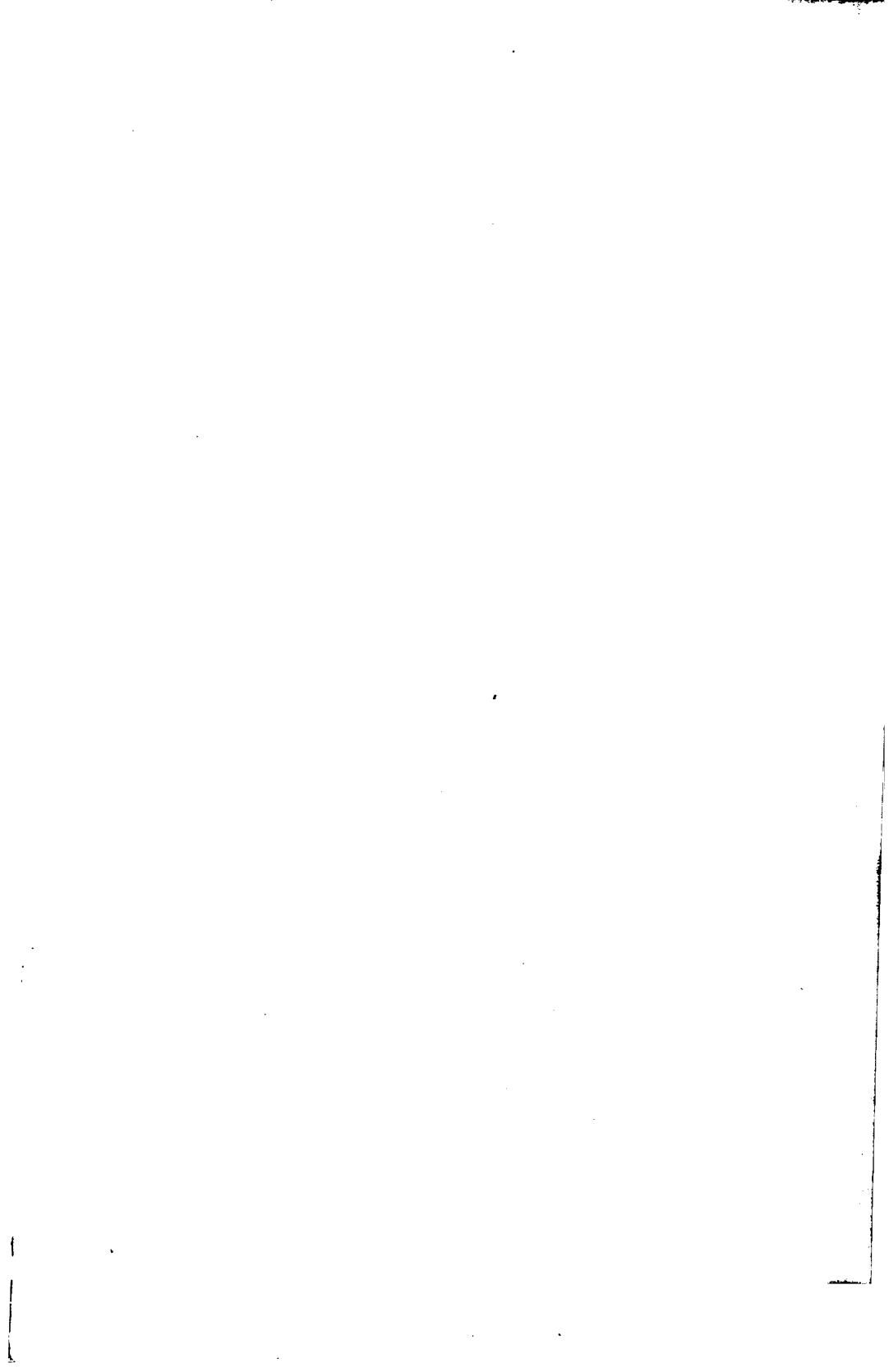
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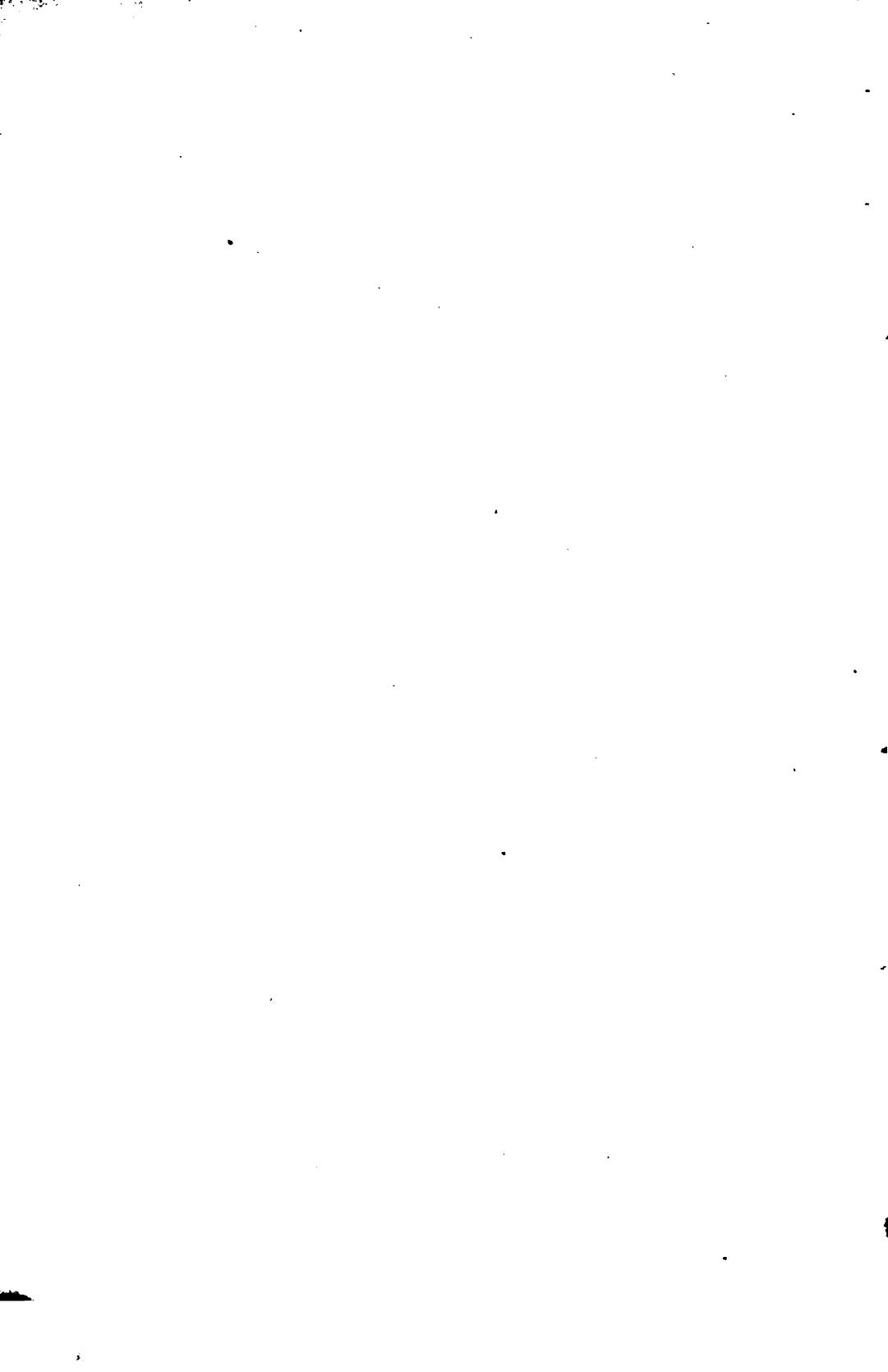
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